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Administrative law enforcement procedures of maritime police agencies

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Chapter 1 General

Article 1 In order to regulate the administrative law enforcement procedures of the maritime police agency, to protect and supervise the maritime police agency to perform its duties in accordance with the law, and to protect the legitimate rights and interests of citizens, legal persons and other organizations, according to 《 Maritime Police Law of the People's Republic of China 》, 《 Administrative Penalty Law of the People's Republic of China 》, 《 Administrative Mandatory Law of the People's Republic of China 》, 《 Law of the People's Republic of China on Public Security Administration and Punishment 》 and other relevant laws, administrative regulations, etc., formulate these regulations.

Article 2 Maritime police agencies and their law enforcement personnel implement maritime administrative law enforcement in accordance with laws, regulations, and regulations such as law and order, customs, development and utilization of marine resources, marine ecological environmental protection, and marine fisheries management.

The administrative law enforcement referred to in this provision refers to law enforcement actions such as on-site supervision and inspection, case investigation, administrative coercion, and administrative penalties imposed by the maritime police agency in accordance with law.

Article 3 The implementation of administrative law enforcement should be based on facts and laws.

Article 4 Carrying out administrative law enforcement should follow the principles of lawfulness, fairness, openness, and timeliness, respect and protect human rights, and protect the dignity of citizens.

Article 5 Carrying out administrative law enforcement should adhere to the principle of combining education and punishment, and educate citizens, legal persons and other organizations to consciously abide by the law.

Article 6 In handling administrative cases involving minors, the legal rights and interests of minors should be protected according to their physical and mental characteristics.

Article 7 Carry out administrative law enforcement. In areas where ethnic minorities live together or where multiple ethnic groups live together, they should use local languages for questioning.

Article 8 In the process of administrative law enforcement, the maritime police agency and its law enforcement personnel shall keep the state secrets, trade secrets or personal privacy known to them confidential according to law.

Article 9 Law enforcement personnel of the maritime police agency shall consciously accept supervision according to law. Law enforcement personnel who neglect their duties, engage in favoritism, abuse their powers, solicit or accept the property of others in the process of administrative law enforcement constitute disciplinary violations and shall be punished according to law; if they constitute a crime, they shall be held criminally responsible.

Chapter 2 Jurisdiction

Article 10 On-site supervision and inspection of marine production operations activities shall be carried out by the regional organizations of the maritime police agencies at all levels in accordance with their responsibilities and assigned tasks.

Article 11 Administrative cases in the waters under the jurisdiction of our country are under the jurisdiction of the maritime police agency according to law, and are under the jurisdiction of the maritime police agency corresponding to the place of violation; if it is under the jurisdiction of the maritime police agency where the offender resides, land is boarded, or the ship in question is located, it is more appropriate Yes, it can be under the jurisdiction of the maritime police agency.

The place of illegal acts includes the place where the illegal act occurred and the place where the illegal result occurred. The place where the illegal act occurred, including the place where the illegal act was committed and the place where the illegal act was started, passed by, and ended; if the illegal act has a continuous or continuing state, the place where the illegal act is continuous or continued is the illegal act occurred place. The place where the illegal result occurred includes the place where the illegal object was infringed, the actual place where the illegal income was obtained, the hiding place, the place of transfer, the place of use, the place of sale, and the place where the damage occurred.

The place of residence includes the place of household registration and the place of regular residence. Frequent residence refers to the place where the citizen leaves the place of household registration and finally resides for more than one year, except for hospitalization. The place of residence registered by the unit is its place of residence. If the place of main business or the place of main office is inconsistent with the place of residence registered, the place of main business or the place of main office shall be the place of residence.

Landing refers to the place where the offender goes ashore on his own or is escorted and twisted ashore.

Article 12 Maritime administrative cases that occur outside the waters under the jurisdiction of our country are under the jurisdiction of the maritime police agency according to law, and are under the jurisdiction of the maritime police agency that first seized the illegal act; they can also be located by the place where the offender resides, land is boarded, or the ship's port of registry Jurisdiction of the maritime police agency.

Article 13 More than two maritime police agencies have jurisdiction over administrative cases, which are governed by the first maritime police agency to file. If necessary, it may be under the jurisdiction of the maritime police agency where the main illegal place or the main illegal person landed.

Article 14 For cases with unclear or controversial jurisdiction, the relevant maritime police agency shall negotiate and resolve them. If the negotiation fails, the common superior maritime police agency shall be reported to designate the jurisdiction; it may also be directly designated by the common superior maritime police agency.

For major, complex or special cases, the higher-level maritime police agency may designate jurisdiction or directly handle it.

If the higher-level maritime police agency designates jurisdiction or directly handles it, it shall notify the maritime police agency and other relevant maritime police agencies under the designated jurisdiction in writing.

The original maritime police agency will no longer exercise jurisdiction from the date of receiving the written notice from the superior maritime police agency, and immediately transfer the case materials and relevant evidence to the designated maritime police agency or the higher-level maritime police agency to notify the parties in writing in a timely manner. .

Article 15 Maritime police agencies carrying out maritime administrative law enforcement should strengthen collaboration and cooperation with public security organs and other relevant administrative agencies in accordance with relevant regulations.

If the maritime police agency and other agencies have disputes over the jurisdiction of the case, the maritime police agency and other agencies shall negotiate and determine the jurisdiction in accordance with the principles of the first case, which is conducive to evidence collection and case handling.

Chapter 3 Avoidance

Article 16 On-site supervision and inspection of marine production operations. If the law enforcement personnel of the maritime police agency have a stake in the inspection object, or have other relationships that may affect the normal operation of the inspection work, they should file an application for avoidance and explain the reasons; If there is a reason for the normal inspection work, you can apply for avoidance and explain the reason.

The evasion of on-site supervision and inspection by the law enforcement personnel of the maritime police agency shall be determined by the maritime police agency to which it belongs. The maritime police agency that has the right to decide to evade by the relevant law enforcement personnel may order it to evade.

If the inspection subject makes an application for avoidance at the inspection site, the law enforcement personnel of the maritime police agency shall not stop the inspection work, but shall record the application for avoidance and report to the person in charge of the unit within 24 hours after arriving. Whether the inspection conclusion and related processing decisions are valid shall be determined by the maritime police agency that has the power to make the avoidance decision based on whether it affects the normal conduct of the inspection work and the fair handling of cases according to law.

Article 17 If the person in charge of the maritime police agency and law enforcement personnel have one of the following circumstances in the process of handling administrative cases, they shall file an application for avoidance on their own. The parties to the case and their legal representatives have the right to request their avoidance:

(1) The party in this case or the close relatives of the party;

(2) I or my close relatives are interested in this case;

(3) Having other relationships with the parties in this case may affect the fair handling of the case.

Article 18 If the person in charge of the maritime police agency and law enforcement personnel file an application for avoidance in the process of handling administrative cases, the reasons shall be stated.

Article 19 If the parties and their legal representatives request the person in charge of the maritime police agency and law enforcement personnel to evade, they shall apply and explain the reasons. Oral applications should be recorded.

Article 20 The avoidance of administrative cases by law enforcement personnel is determined by the maritime police agency to which they belong; the evasion of the head of the maritime police agency is determined by the higher-level maritime police agency.

Article 21 The marine police agency shall make a decision and notify the applicant in writing within two days from the date of receipt of the application for the application.

If there is any objection to the rejection of the evasion application by the maritime police agency, the parties and their legal representatives may apply to the maritime police agency that made the decision for a reconsideration within three days after receiving the written notice. The maritime police agency that made the decision shall make the review decision within three days and notify the applicant in writing.

Article 22 The person in charge of the maritime police agency and law enforcement personnel have circumstances that should be avoided in the process of handling administrative cases. I have not applied for avoidance, nor have the parties and their legal representatives applied for their avoidance. The maritime police agency that has the right to decide its avoidance may order its avoidance.

Article 23 If experts and translators need to avoid it, the provisions of this chapter shall apply.

The avoidance of experts and translators is determined by the designated or hired marine police agency.

Article 24 If the parties and their legal representatives file an application for avoidance, the person in charge of the maritime police agency and law enforcement personnel shall not stop the handling of administrative cases until the maritime police agency makes an avoidance decision.

After making the avoidance decision, the person in charge of the maritime police agency and law enforcement personnel shall no longer participate in the investigation, review and approval of the administrative case.

Article 25 Whether the person in charge of the maritime police agency, law enforcement personnel, appraisers and translators who have been decided to evade is effective in the activities related to the case that were carried out before the decision to evade, and the maritime police agency that made the evasion decision will deal with the case fairly according to whether it affects the case. The situation is decided.

Chapter 4 Period and Service

Article 26 The period is calculated in time, day, month, and year, and the time or day at which the period begins is not counted.

“ two days ”, “ three days ”, “ five days ”, “ seven days ”, “ Ten days ” refers to the working day, excluding statutory holidays; the first day after the expiration of other periods is the legal holiday However, the period during which the offender is restricted to personal freedom is calculated on the natural day.

The period is not included in the time of transit, and the necessary period of navigation of the ship is regarded as the time of transit.

If the legal document is delivered before the expiration of the period, it shall not be considered overdue.

Article 27 Maritime police agencies serving legal documents shall comply with the following provisions:

(1) If an administrative punishment decision is made on the spot, the decision shall be delivered to the punished person on the spot, and the punished person shall sign or suppress the fingerprint on the filed decision; if the punished person refuses, the law enforcement officer shall make the decision on the record Note

(2) In addition to the first provision of this paragraph, an administrative penalty decision and other administrative processing decisions shall be delivered to the person on the spot after the declaration, and the person to be processed shall sign or suppress the fingerprint on the decision with the volume , That is served; the person being processed is not present, The maritime police agency shall serve the decision to the person being processed within seven days of making the decision, and the security management penalty decision shall be served within two days.

The service of legal documents should first be delivered directly to the recipient. If the served person is a citizen, but he is not present, he can deliver it to his adult family member, the person in charge of the unit or his residence (village) committee for collection; if the served person is a legal person or other organization, it should be legal The person's legal representative, the main person in charge of other organizations, or the person in charge of the legal person or organization's receipt sign for receipt. If the served person has an agent entrusted to accept the service or a designated payee, he may send it to the agent or the consignee for signature.

If the recipient himself or other personnel who can accept the service refuse to accept or refuse to sign and suppress the fingerprint, the served person may invite the representative of the relevant grassroots organization or unit, his neighbors or other witnesses to explain the situation. The legal documents of the volume indicate the reason for the rejection, the date of delivery, signed by the delivery person or witness, or the fingerprint, Leave the document in the recipient's office; you can also leave the document in the recipient's place, and record the service process by taking pictures, videos, etc., which is regarded as delivery.

If it cannot be delivered directly, other maritime police agencies may be entrusted to serve on their behalf, or mailed. With the consent of the recipient, it can be delivered electronically that can confirm its receipt.

If the above-mentioned service method is still not available, the service can be announced. The scope and method of the announcement shall be easy for citizens to know, and the announcement period shall not be less than thirty days.

Chapter V On-site supervision and inspection

Section 1 General Provisions

Article 28 Due to the need to carry out maritime rights protection law enforcement work, the maritime police agency has the right to conduct on-site supervision and inspection of the following marine production operations activities within the scope of its duties:

(1) Use in sea areas;

(2) Island protection and island development and utilization without residents;

(3) Marine mineral resources exploration and development;

(4) Laying and protection of submarine power (optical) cables and pipelines;

(5) Ocean survey measurement;

(6) Basic marine surveying and mapping;

(7) Foreign-related marine scientific research;

(8) Marine engineering construction projects and marine dumping waste damage to marine pollution;

(9) The coastline of the nature reserve is protected and used on the sea side;

(10) Fishing boat bottom trawl fishing area off the line of the prohibited fishing area and specific fishery resources fishery production operations, marine wildlife protection;

(11) Other marine production activities stipulated by laws and regulations.

Article 29 The maritime police agency conducts on-site supervision and inspection, and can directly perform the inspection without notifying the inspection subject, or it can issue an inspection notice to the inspection object in advance as necessary to inform the inspection time, inspection scope, etc., and require the inspection subject to prepare for the inspection.

Article 30 The maritime police agency conducts on-site supervision and inspection, and the law enforcement personnel shall not be less than two, and shall present 《 China Marine Police Enforcement Certificate 》, indicating the status of law enforcement, informing inspection matters and requirements. Marine police agencies can hire personnel with relevant expertise to assist as needed.

Article 31 The inspection object shall cooperate with the on-site supervision and inspection, faithfully reflect the situation, provide relevant documents and materials, etc., and shall not refuse or hinder the inspection work.

Article 32 During on-site supervision and inspection, law enforcement personnel may adopt the following methods according to law:

(1) Ask the relevant personnel;

(2) Check or copy relevant documents, documents, data and technical information, etc.;

(3) Check the equipment, installation and operation of various facilities, equipment and equipment, as well as goods and articles;

(4) Carry out on-site monitoring, investigation, sampling inspection, taking pictures, camera, etc.;

(5) The inspection subject is required to explain the relevant issues;

(6) Other methods prescribed by laws, regulations and regulations.

On-site supervision and inspection should make inspection transcripts. The evidence materials found during the inspection shall be collected and preserved in a timely manner according to law.

Section 2 On-site supervision and inspection measures

Article 33 In order to carry out on-site supervision and inspection of marine production operations, the maritime police agency may log in according to law, inspect ships and offshore oil operation platforms sailing, berthing, and operating in the waters under our jurisdiction.

When boarding and inspecting ships, the maritime police agency shall order the inspected ship to stop at the ship for inspection through clear sound and light signals.

The inspected ship shall be suspended in accordance with the instructions for inspection and provide the necessary facilities; if it refuses to cooperate with the inspection, the maritime police agency may force inspection; if the scene escapes, the maritime police agency shall have the right to take the necessary measures to intercept and pursue.

The boarding, inspection, interception, and hot pursuit of foreign ships shall comply with the relevant provisions of international treaties concluded and participated by our country.

Article 34 For ships of international organizations, foreign organizations and individuals approved by the competent authorities of my country to engage in fishery production operations and other natural resource exploration and development, marine scientific research, submarine power (optical) cables and pipeline laying, etc., the maritime police agency may Individual or in conjunction with relevant administrative authorities to send staff to supervise with the ship.

Onboard supervision should promptly confirm the time with board with the supervised object, check the relevant permit documents, and equip the necessary regulatory evidence collection equipment. After boarding the supervised ship, you should check whether the relevant records are in line with the actual situation, record the basic conditions of sailing time, operating sea area, operation duration, etc., and make inspection transcripts. At the end of the supervision with the ship, the captain or ship owner, operator, person in charge at the scene and law enforcement personnel sign and confirm on the inspection transcript.

If it is found that the subject of supervision is suspected of violating our laws and regulations, it should be stopped immediately, and investigations should be carried out to obtain evidence, and a decision should be made according to law.

Article 35 Provincial Marine Police Bureau and above Marine Police Agency Basis 《 Maritime Police Law of the People's Republic of China 》 Article 25 provides the right to delimit the temporary warning zone at sea.

The delineation of the temporary warning zone at sea should clarify the area scope, warning period, management measures and other matters of the temporary warning zone at sea, and make announcements through the Internet, newspapers, radio, radio, television and other means. In addition to the urgent situation, the announcement of the delimitation of the maritime temporary warning zone shall be issued to the public two days before the start of the warning period.

If the maritime temporary warning zone is delineated, which may affect the safety of maritime traffic, the maritime management agency should be consulted before the delineation, and the maritime management agency should be applied to issue navigation notices and navigation warnings in accordance with relevant regulations; if it involves important fishery waters or may seriously affect fisheries For production operations, the opinions of the fishery administration authorities should be sought before demarcation; If it involves military use of sea or may affect the safety and use of military installations at sea, the consent of the relevant military departments shall be obtained in accordance with law.

If there is no need to continue to restrict or prohibit the passage and stay of ships and personnel, the maritime police agency shall promptly release the alert and make an announcement.

Article 36 During the on-site supervision and inspection of marine production operations, the maritime police agency may conduct on-site cross-examination, inspection or continue cross-examination of persons suspected of illegal or criminal activities in accordance with the provisions of laws and regulations, and may take necessary measures in accordance with the provisions of laws and regulations Control the inspected ship and its personnel.

Decided to continue cross-examination and extend the time limit for continued cross-examination, approved by the head of the maritime police agency handling the case.

Chapter VI Case

Article 37 The maritime police agency shall promptly accept and register online cases in accordance with the regulations for reports, accusations, reports, mass transfers, party submissions, and other cases transferred by state agencies.

For cases that can be determined on the spot and are not within the scope of the duties of the maritime police agency, the reporter, whistleblower, transferee, referral agency, or other competent authorities should be informed immediately or verbally. If the person, whistleblower, transferee, or transfer agency has no objection to the content of the oral notification, it may not be accepted.

Cases where there are repeated reports, are being processed, or have been closed should be explained to the reporter, the accuser, the whistleblower, the transferee, the transfer agency, and no longer accepted.

Article 38 The maritime police agency shall immediately review the accepted cases, and make the following treatments separately, and indicate the processing status in the registered case:

(1) If there is a violation of the law that requires legal responsibility and belongs to the jurisdiction of the unit, the case shall be approved by the person in charge of the maritime police agency, and the case shall be filed, and the case shall be filed and returned to the person who submitted the report, the accuser, the whistleblower, and the transfer agency;

(2) If it falls within the scope of responsibility of the maritime police agency, but does not fall under the jurisdiction of the unit, it shall be transferred to a unit with jurisdiction within 24 hours, and the reporter, the accuser, the whistleblower, the transferee, and the transfer shall be notified organ;

(3) For matters that are not within the scope of the duties of the maritime police agency and other matters that are not subject to investigation, the reporter, whistleblower, transferee, referral agency shall not be investigated in writing, but due to the inability to obtain contact , Unidentified and other objective reasons that cannot be notified in writing.

The maritime police agency shall review and file the illegal acts found in the work with reference to the provisions of the preceding paragraph.

Article 39 In cases that fall within the scope of responsibility of the maritime police agency but do not fall under the jurisdiction of the unit, if one of the following circumstances occurs, the maritime police agency that accepts the case or finds the case shall take the necessary mandatory measures or other disposal measures in accordance with the provisions of laws and regulations, and then Transfer to units with jurisdiction:

(1) Violations are being committed;

(2) Immediately discovered and transferred to the Marine Police Agency after committing the illegal act;

(3) The suspect who is at large has been captured or discovered;

(4) There are casualties and immediate treatment measures are required;

(5) Other situations where emergency measures should be taken.

Article 40 If the reporter is unwilling to disclose his personal information and the behavior of the report, the maritime police agency shall indicate and keep it confidential when registering the case.

Article 41 The maritime police agency shall register the relevant evidence materials and articles provided by the reporter, accuser, whistleblower, transferee, and other state agencies, issue a list of accepted evidence, and keep it properly. When necessary, photos and audio recordings should be taken. When transferring a case, the relevant evidence materials and items should be transferred together.

Article 42 If the maritime police agency accepts or discovers a case under the jurisdiction of the unit and is temporarily unable to determine it as a criminal case or an administrative case, it may proceed in accordance with the procedures of the administrative case. During the process, if it is considered to constitute a crime, it shall be in

accordance with 《 Maritime police agency procedures for handling criminal cases 》 Processing.

Chapter VII Investigation and Evidence

Section 1 General Provisions

Article 43 After the administrative case is filed, the maritime police agency shall conduct an investigation in a timely manner, collect and retrieve evidence materials and related circumstances that can prove whether the party is illegal or serious, and review and verify them in accordance with the law.

It is forbidden to collect evidence by violence, threats, inducements, deception, and other illegal methods.

Article 44 The facts of the case to be investigated include:

(1) The basic situation of the parties;

(2) Whether the illegal behavior exists;

(3) Whether the illegal act is committed by the parties;

(4) The time, place, means, consequences and other circumstances of committing the illegal act;

(5) The parties are unable to determine the severity, lighterity, mitigation and no administrative punishment;

(6) Other facts related to the case.

Article 45 When the maritime police agency conducts inquiry, identification, investigation (investigation), inspection, implementation of administrative coercive measures and other investigation and evidence collection work, the law enforcement personnel shall not be less than two, and shall actively show 《 China Marine Police Enforcement Certificate 》 Identity.

Registration, acceptance of evidence, information collection, mediation, service documents, etc. can be carried out by a law enforcement officer leading an auxiliary staff, but it should be recorded throughout the process.

Article 46 The materials that can be used to prove the facts of the case are all evidence. Evidence from the Marine Police Agency in administrative cases includes:

(1) Physical evidence;

(2) Documentary evidence;

(3) Audiovisual materials;

(4) Electronic data;

(5) Witness testimony;

(6) Statements and defenses of the parties;

(7) Appraisal opinions;

(8) Transcripts such as survey, inspection, identification, and site.

The evidence must be verified to be true before it can be used as the basis for the finalization.

Article 47 When collecting and retrieving evidence from relevant units and individuals, the Marine Police Agency shall inform them of the legal responsibility for providing evidence truthfully and forging, concealing, destroying evidence and providing false testimony.

If evidence needs to be retrieved from the relevant units and individuals, it shall be approved by the person in charge of the case handling department or above, and a notice of evidence retrieval shall be issued to clarify the evidence retrieved and the time limit provided. If the transferred unit or individual should stamp or sign the notice, and the

transferred unit or individual refuses, the marine police agency shall indicate. When necessary, the maritime police agency shall use audio and video recording to fix the content of evidence and the evidence collection process.

If the evidence needs to be urgently retrieved from the relevant unit, the maritime police agency may notify the law enforcement officer of the identity by telephone, and the notice of evidence shall be retrieved together with the law enforcement officer's 《 China Marine Police Enforcement Certificate 》 Copies are delivered electronically to the relevant units.

Article 48 The physical evidence collected and retrieved by the Marine Police Agency should be the original. When the original is inconvenient to move, difficult to preserve, or should be kept, processed, or returned by the relevant department according to law, you can take or make photos or videos sufficient to reflect the shape or content of the original.

Photos and videos of physical evidence, which have been verified with the original or proved to be true, can be used as evidence.

Article 49 The documentary evidence collected and retrieved by the Marine Police Agency should be the original. When it is indeed difficult to obtain the original, you can use the copy, photocopy or transcript.

Copies, photocopies or transcripts of documentary evidence, which have been verified with the original or proved to be true by identification, can be used as evidence. If the documentary evidence shows signs of change or change and cannot be reasonably explained, or if the copy, photocopy, or transcript of the documentary certificate does not reflect the original documentary evidence and its contents, it cannot be used as evidence.

Article 50 If the marine police agency collects audiovisual materials and can seize the original carrier of the audiovisual materials, it shall seize them, and indicate the time and method of production, the producer, the proving object, etc. The sound data shall also be accompanied by a written record of the sound content. Audio and video tapes that can be used as evidence should be checked during seizure, and the cause, content, and time and place of admission and copying should be recorded and properly kept.

If it is impossible to seize the original carrier of the audiovisual data or if it is indeed difficult to seize the original carrier, a copy may be used. Copies of audiovisual materials that have been verified with the original or proved to be true can be used as evidence.

Article 51 Photos, videos of physical evidence, copies of documentary evidence, photocopies, transcripts, and copies of audiovisual materials should be accompanied by written instructions about the production process and the original and original storage of the original, and signed by the producer and the article holder. If the item holder is a unit, the person in charge of the unit shall sign or stamp the unit seal. If the holder refuses to sign or stamp, he should indicate the situation.

Article 52 If the collection of physical evidence and documentary evidence does not comply with the statutory procedures and may seriously affect the fairness of law enforcement, it shall be corrected or reasonably explained; if it cannot be corrected or reasonably explained, it shall not be used as the basis for the final decision.

Article 53 If the maritime police agency collects electronic data and can seize the original storage medium of electronic data, it shall seize it. The original storage medium of the seized electronic data should be sealed to ensure that the electronic data cannot be added, deleted, or modified without releasing the storage status.

If it is indeed difficult to seize the original storage medium or seize the original storage medium, you can extract electronic data, make transcripts and attach an electronic data list, signed by law enforcement officers and electronic data holders. If the electronic data holder is the unit, the person in charge of the unit shall sign or stamp the unit seal. If the holder refuses to sign or stamp, he should indicate the situation.

If it is impossible or inappropriate to collect electronic data in accordance with the provisions of the first two paragraphs due to objective reasons, the relevant evidence may be fixed by printing, photographing or video recording, and attached with a written explanation of the reasons, process, etc., and the law enforcement officer and electronic data holder signature. If the electronic data holder is the unit, the person in charge of the unit shall sign or stamp the unit seal. If the holder refuses to sign or stamp, he should indicate the situation.

Article 54 Anyone who knows the circumstances of the case has an obligation to testify.

A person who cannot express his meaning correctly cannot be a witness.

Article 55 Statements and defenses and witness testimonies of parties collected by illegal methods such as violence and threats cannot be used as the basis for the conclusion.

Article 56 When the maritime police agency handles the maritime administrative case, there is evidence to prove that the party committed the act of pouring the item into the sea and deliberately destroying the evidence. If it causes difficulties for the maritime police agency to provide evidence, it may be combined with other evidence to presume that the relevant illegal facts are established, but the parties have Except for evidence sufficient to overthrow.

The " specified in the preceding paragraph has evidence to prove that " refers to the act of having on-site photos or audiovisuals that can objectively record the party's evidence of destruction at sea, or the party's acknowledgment of the destruction evidence at sea, and other physical evidence , Witness testimony, identification opinions and other evidence confirmed.

Article 57 If criminal cases are transferred to administrative cases, the evidence materials collected in accordance with law during the handling of criminal cases can be used as evidence in administrative cases.

Section 2 Inquiry

Article 58 Inquiring parties other than the victim can be conducted at their residence and unit, or they can be notified to the Marine Police Agency or its designated place in the city or county. In cases such as public security, entry and exit, terrorism, drugs, etc., the suspects can also be summoned to the maritime police agency or the designated place in the city and county where they are located.

Inquiries about the victim or other witnesses can be conducted on site, or they can be conducted at their unit, school, residence, residence (village) committee or the place where they are proposed. If necessary, you can also notify them in writing, by phone, and on the spot to provide testimony to the Marine Police Agency.

Article 59 For those who surrender to the crime or the masses to surrender the violation of public security management, exit and entry management, and illegal suspects involving terrorism and drugs, the maritime police agency shall immediately conduct an inquiry and verification, and indicate in the inquiry transcript the arrival and arrival of the illegal suspect. And departure time. The time for inquiry and verification shall apply the provisions of Article 115, paragraph 1, of this provision, and the family shall be notified to apply the provisions of Article 102, paragraph 2 of this provision.

Article 60 When inquiring about suspects who violate public security management, exit and entry management, and terrorism and drugs, they should be conducted at law enforcement venues.

During the inquiry and verification, the diet and necessary rest time of the suspect should be guaranteed, and indicated in the inquiry transcript.

During the gap between inquiries and verification, suspects who violate public security management, exit and entry management, and terrorism and drugs can be sent to the waiting room and executed in accordance with the regulations of the waiting room management.

Article 61 When interrogating suspects for violations for the first time, law enforcement personnel should ask the name, date of birth, location of household registration, current address, type and number of identity documents, whether they are representatives of people's congresses at all levels, whether they have been criminally punished or administratively detained , Compulsory isolation and detoxification, community detoxification and other administrative penalties. When necessary, the main members of their families, work units, education level, ethnicity, physical condition, etc. should also be asked.

If the suspect is a foreigner, he should also ask about his nationality, type and number of entry and exit documents, type of visa, time of entry, and reasons for entry when inquiring for the first time. When necessary, you should also ask about their relations in China.

Before inquiring about the victim or other witnesses, you should understand the identity of the person being interrogated and its relationship with the victim, other witnesses, and suspects of violations.

Article 62 Inquiries about parties or witnesses should be conducted individually.

Article 63 During the inquiry, the law enforcement officer should inform the person being questioned that he must truthfully provide evidence, testimony, and legal responsibility for intentionally perjury or concealment of evidence, and has the right to refuse answers to questions unrelated to the case.

Article 64 When inquiring about the parties, law enforcement personnel should listen to the parties' statements and defenses. Statements and defenses of the parties should be verified.

Article 65 When inquiring about minors, law enforcement personnel should notify their parents or other guardians to be present, and if their parents or other guardians cannot be present, they can also notify other adult relatives of the minor, the school, unit, grass-roots organization of the place of residence or the minor Representatives of protection organizations were present and recorded the relevant situation. If it is indeed impossible to notify or is not present after the notification, it should be indicated in the inquiry transcript.

Article 66 When inquiring about deaf-mute people, someone who is proficient in sign language should provide help, and indicate the deaf-mute situation of the person being interrogated and the name, address, work unit and contact information of the translator in the inquiry transcript.

An inquirer who does not know the local common language script should be equipped with an interpreter, and the name, address, work unit and contact information of the translator should be indicated in the inquiry transcript.

Article 67 The transcript of the inquiry should be checked by the person being interrogated, and if there is no reading ability, it should be read to him. If the record is incorrect or omitted, the person being interrogated should be allowed to correct or supplement, and be asked to suppress the fingerprint at the modification office. After the interviewee confirms that the transcript is correct, he should sign the page by page or press the fingerprint on the inquiry transcript. Those who refuse to sign and suppress fingerprints should indicate in the inquiry transcript.

Law enforcement personnel should sign the inquiry transcript and indicate the start and end of the inquiry. The translator should sign at the end of the inquiry transcript.

During the inquiry, you can record the video throughout the process as needed, and maintain the integrity of the recorded video materials.

Article 68 If the parties or witnesses request to provide written materials on their own, they shall be permitted. When necessary, law enforcement personnel may also request the parties or witnesses to write on their own. The parties or witnesses should sign or press fingerprints at the end of the written materials they provide. For printed written materials, the parties or witnesses should sign on page by page or suppress fingerprints. After receiving written materials, law enforcement personnel should indicate the date of receipt on the front page and sign it.

Section 3 Exploration (Inspection), Inspection

Article 69 If necessary, the scene of the violation should be investigated, evidence materials related to the case should be extracted, the nature of the case should be judged, and the direction and scope of the investigation should be determined.

Article 70 Handle cases such as public security, entry and exit, terrorism, drugs, etc., and inspect places, articles, and personal persons related to illegal acts. The law enforcement personnel shall not be less than two during the inspection, and shall present 《 China Marine Police Enforcement Certificate 》 and the inspection certificate issued by the Marine Police Agency. If it is indeed necessary to conduct an immediate inspection, the law enforcement officer will show 《 China Marine Police Enforcement Certificate 》 can be inspected on the spot; however, if you check the residence of a citizen, there must be evidence that either a mass has reported that a case (event) that endangers public safety or the personal safety of the citizen is occurring in the residence of the citizen, or that dangerous substances are illegally stored. May cause major harm to public safety, citizens' personal safety, and property safety.

Handling suspected smuggling cases, for transportation vehicles suspected of smuggling, other than citizens' residences, hiding smuggled goods, suspected places, and smuggled suspects' bodies, etc., approved and presented by the head of the maritime police agency 《 China Marine Police Enforcement Certificate 》 indicates identity and can be checked.

The maritime police agency handles illegal cases such as the development and utilization of marine resources, marine ecological environmental protection, and marine fisheries, and conducts investigations and inspections of ships sailing, mooring, and operating in the waters under our jurisdiction. The relevant provisions of Chapter V of this Regulation shall apply , The provisions of the first two paragraphs do not apply.

Article 71 Suspects who violate public security management, exit and entry management, and those involved in terrorism and drugs may extract or collect biometric information such as portraits and fingerprints in accordance with the provisions of laws and administrative regulations; suspected drug use and terrorist activities, etc. , Can also follow 《

Anti-Drug Law of the People's Republic of China 》, 《 Anti-Terrorism Law of the People's Republic of China 》 and other regulations extract or collect biological samples such as blood, urine, hair, and drop-out cells. Information that has been extracted and collected during personal safety inspections and on-site inspections is no longer extracted or collected.

Article 72 When handling cases such as public security, entry and exit, terrorism, drugs, smuggling, etc., when inspecting suspects in violation of the law, the personal dignity of the person under inspection should be respected, and inspections should not be conducted in a manner that undermines human dignity.

The examination of women's bodies should be carried out by female staff.

Article 73 When inspecting a place or article, care should be taken to avoid unnecessary damage to the article.

When inspecting a place, there should be an inspected person or witness present.

Article 74 Inspection transcripts should be made. The inspection transcript is signed by the law enforcement officer, the inspected person or the witness; if the inspected person is not present or refuses to sign, the law enforcement officer should indicate in the inspection transcript.

The full-time audio and video recording during the inspection can replace the written inspection transcript, but the key content of the audiovisual materials and the corresponding time period should be written.

The provisions of this article on inspection transcripts and full-course audio and video recordings shall apply to the on-site supervision and inspection of Chapter V.

Section 4 Identification

Article 75 In order to ascertain the case, it is necessary to identify specialized technical issues, and the maritime police agency should hire or entrust institutions or personnel with expertise to carry out.

If you hire or entrust an appraisal agency or an appraiser, you should make an appraisal appointment (appointment) letter after approval by the person in charge of the case handling department of the Marine Police Agency.

Article 76 The maritime police agency shall provide the necessary conditions for the identification, promptly send the original materials such as the relevant inspection materials and comparison samples, introduce the situation related to the identification, and clearly propose the problems required for identification and resolution.

Law enforcement personnel should do a good job in the storage and delivery of inspection materials, and indicate the person responsible for the inspection and delivery of inspection materials to ensure that the inspection materials are not contaminated during the flow and maintain identity.

It is forbidden to force or imply that the appraiser makes some kind of appraisal opinion.

Article 77 The identification of personal injuries is carried out by forensic doctors.

A medical certificate issued by a medical institution with a qualified medical qualification approved by the health administrative department may be used as a basis for determining the degree of personal injury, except in the circumstances specified in Article 78 of this Regulation.

The identification of mental illness is carried out by an accreditation body with the qualification of psychiatric identification.

Article 78 If the personal injury case has one of the following circumstances, the marine police agency shall conduct an injury identification:

(1) The degree of injury is heavier, which may constitute the degree of injury above minor injury;

(2) The victim requested an injury identification;

(3) The suspected offender or the victim has a controversial degree of injury.

Article 79 In cases where an injury identification is required, if the victim refuses to provide a diagnosis certificate or refuses to perform an injury identification, the Marine Police Agency shall record the relevant situation and may make a decision based on the facts that have been identified.

Upon notification from the Marine Police Agency, if the victim fails to make an injury identification within the time determined by the Marine Police Agency without justifiable reasons, it shall be deemed to refuse the identification.

Article 80 If it is difficult to determine the specific issues involved in electronic data, the forensic agency will issue the appraisal opinion, or the agency designated by the Ministry of Public Security will issue the report.

Article 81 If the price of the item involved is unknown or the price is disputed, the Marine Police Agency shall submit a price determination to the price determination agency. If the price of the article in question can be directly determined based on the valid bill provided by the parties, the maritime police agency may not conduct the price determination.

The prices of precious animals and their products banned by the state, precious and endangered wild animals and their products that are protected by the state are calculated according to the evaluation standards and methods formulated by the wildlife protection authority of the State Council. If it is difficult to determine the price according to the above method, the appraisal opinion issued by the judicial appraisal agency, or the report issued by the price determination agency or the agency designated by other competent authorities, shall be determined in conjunction with other evidence.

If it involves the definition of sea area and the assessment of pollution damage to the marine environment, the marine police agency shall entrust the relevant professional agency to carry out the identification and evaluation.

Article 82 After the appraisal agency or expert appraisal, an appraisal opinion shall be issued. The appraisal opinion shall contain the client, the matter entrusted with the appraisal, the relevant materials submitted for the appraisal, the time of the appraisal, the basis and the concluding observations, etc., signed or stamped by the appraiser and stamped with the official seal of the appraisal agency. If the appraisal opinion is obtained through analysis, there should be a description of the analysis process. The appraisal opinion shall be accompanied by the qualification certificate or other supporting documents of the appraisal institution and the appraiser.

The appraiser is responsible for the appraisal opinion and is not subject to interference by any agency, group, enterprise, institution and individual. If multiple people participate in the appraisal and have different opinions on the appraisal opinion, it should be noted.

If the expert deliberately makes a false appraisal, he shall bear legal responsibility.

Article 83 The maritime police agency should review the appraisal opinion. After review, if it is found to have the circumstances specified in Article 85 or Article 86 of this Regulation, it shall be subject to supplementary identification or re-identification.

For the appraisal opinion used as evidence after review, the maritime police agency shall deliver a copy of the appraisal opinion to the parties within five days from the date of receipt of the appraisal opinion.

If the medical certificate issued by the medical institution serves as the basis for the marine police institution to determine the degree of personal injury, the criminal suspect and the victim shall be informed in writing of the conclusion of the diagnosis certificate.

Article 84 If the parties have objections to the appraisal opinion, they may submit an application for supplementary identification or re-identification within three days from the date of receipt of the copy of the appraisal opinion.

Article 85 If one of the following circumstances is approved by the person in charge of the maritime police agency, a supplementary identification shall be carried out:

(1) The content of the appraisal is obviously missing;

(2) Discover new and meaningful exhibits;

(3) There are new identification requirements for the identification evidence;

(4) The appraisal opinion is incomplete, and the entrusted matter cannot be determined.

After review, if it does not meet the circumstances stipulated in the preceding paragraph, with the approval of the person in charge of the maritime police agency, a decision shall not be granted to supplementary identification, and the applicant shall be notified in writing within three days from the date of the decision.

Article 86 If one of the following circumstances is approved by the person in charge of the maritime police agency, it shall be re-identified:

(1) If the appraisal procedure violates the law or violates the relevant professional technical requirements, it may affect the accuracy of the appraisal opinion;

(2) Appraisal agencies and appraisers do not have the qualifications and conditions for identification;

(3) If the appraisal opinion is clearly insufficiently based;

(4) The appraiser deliberately made a false appraisal;

(5) If the appraiser should avoid it but not avoid it;

(6) The inspection material is false or damaged.

After review, if it does not meet the circumstances stipulated in the preceding paragraph, with the approval of the person in charge of the maritime police agency, a decision shall not be granted for re-identification, and the applicant shall be notified in writing within three days from the date of the decision.

Article 87 Except for the circumstances specified in Article 85, paragraph 1, and Article 86, paragraph 1, of this provision, the parties shall apply for supplementary identification or re-identification of the same matter in the same administrative case, limited to one time.

The Marine Police Agency may directly decide to supplement or re-identify if it deems it necessary.

Article 88 For re-identification, the Marine Police Agency shall separately hire or entrust an appraisal agency or expert.

Article 89 The appraisal fee shall be borne by the maritime police agency, except for the party's own appraisal.

Section 5 Identification

Article 90 In order to ascertain the case, the maritime police agency may allow the illegal suspect, the victim or other witnesses to identify the items, places or illegal suspects related to the illegal act.

Article 91 The identification is presided over by more than two law enforcement officers.

Before identifying the organization, the identifier should be asked in detail about the specific characteristics of the identified object, and avoid identifying the person to see the identified object.

Article 92 When multiple identifiers identify the same identified object or one identified person to multiple identified objects, they shall proceed individually.

Article 93 When identifying, the identified object should be mixed with other objects with similar characteristics, and no hint should be given to the identified person.

When identifying suspects in violation of the law, the number of people identified shall not be less than seven; if the photos of the suspects in violation of the law are identified, there shall be no fewer than ten photos.

When identifying each item, there shall be no fewer than five mixed items of the same type.

If the same identifier performs multiple sets of identifications on the identified objects related to the same case, the accompanying photo or the accompanying person shall not be used repeatedly.

If the place and the location of the sea coordinates and other specific identified objects are identified, or if the identifying person can accurately describe the unique characteristics of the item, the lining is not limited by the quantity.

Article 94 If the identifier is unwilling to expose his identity, the identification of the suspect in violation of the law can be carried out without exposing the identifier, and the maritime police agency and its law enforcement personnel should keep secrets for him.

Article 95 The identification process and results should be produced with identification transcripts signed by law enforcement officers and recognizers or with fingerprints. When necessary, audio and video recording of the identification process should be conducted.

Section 6 Inquiry

Article 96 According to the needs of the investigation of the case, the maritime police agency may inquire about the property of the suspected unit or suspect in the case in accordance with the following provisions:

(1) When investigating smuggling cases, with the approval of the person in charge of the maritime police agency above the municipal maritime police station, you can inquire about the deposits and remittances of the suspected units and suspects in financial institutions and postal enterprises;

(2) When investigating suspected terrorist activities, with the approval of the person in charge of the maritime police agency, you can query the suspect's deposits, remittances, bonds, stocks, fund shares and other property;

(3) Other matters that can be inquired by laws and administrative regulations.

Article 97 Law enforcement personnel conducting inquiries should indicate the identity of law enforcement and present a notice of assistance in inquiries.

Section 7 Sampling Evidence

Article 98 When collecting evidence, the maritime police agency may adopt a method of sampling and forensics.

Sampling and forensics should be taken in a random manner, and the number of samples taken is limited to the qualitative characteristics that can determine the quality of the product.

Article 99 When sampling and collecting evidence, the parties or their agents should be present; if the parties or their agents are not present, the Marine Police Agency should invite the witnesses to be present. The samples taken shall be sealed and signed or sealed by law enforcement officers and parties or their agents and witnesses. If the party or its agent refuses to sign or stamp, it shall indicate.

Law enforcement personnel should take pictures of the site of sampling and forensics, the sampled items and the sampled samples or record the sampling process.

Article 100 The sampled samples should be inspected in a timely manner. After inspection, if it can be used as evidence, it should be seized, registered in advance, or registered in accordance with the provisions of laws and regulations; if it is not evidence, the sample should be returned in time. If the sample is impaired, it shall be compensated.

Seizures and pre-registration shall preserve the samples taken in accordance with the relevant provisions of Section VIII of this chapter.

Section VIII Administrative Coercive Measures and Other Coercive Measures

Article 101 When handling administrative cases, the maritime police agency may take the following administrative coercive measures or other mandatory measures in accordance with the provisions of laws and regulations:

(1) Take measures such as first registration and preservation, seizure, detention, and seizure of items, facilities, and places; and freeze measures on property such as deposits, remittances, bonds, stocks, and fund shares of suspects of terrorist activities;

(2) Take protective restraint measures against suspects, continue cross-examination, summons and compulsory summons, mandatory testing, detention review, limit the scope of activities, deportation, and other compulsory measures such as binding measures on suspects of terrorist activities;

(3) Ships that are suspected of being investigated for violations of the law may be ordered to be moored at designated locations, prohibited from leaving the port, or escorted to suspected ships to designated locations for investigation;

(4) Other measures prescribed by laws and regulations.

Article 102 The implementation of administrative coercive measures shall comply with the following provisions:

(1) The person in charge of the authorized maritime police agency must be reported and approved according to law before implementation;

(2) Implemented by more than two law enforcement personnel and presented 《 China Marine Police Enforcement Certificate 》;

(3) Notify the parties to be present, and inform the parties on the spot of the reasons, basis and rights and remedies enjoyed by the parties according to law; if the parties are not present, invite the witnesses to be present and indicate in the transcript on site;

(4) Listen to the parties' statements and defenses;

(5) Make on-site transcripts, signed or sealed by the parties and law enforcement personnel, and rejected by the parties, indicate in the transcripts; if the parties are not present, the witnesses and law enforcement personnel sign or stamp on the transcripts;

(6) Other procedures prescribed by laws and regulations.

Those who implement administrative coercive measures that restrict the personal freedom of citizens should also inform the family members of the parties on the spot of the maritime police agency, location and duration of the coercive measures; if they cannot be notified on the spot, they should be notified by telephone, text message, fax, etc. immediately after the implementation of the coercive measures If the identity is unknown, the family contact method is refused, or the notification cannot be made due to force majeure such as natural disasters. The reason for informing, notifying the family or failing to notify the family should be indicated in the inquiry transcript.

If the survey (investigation) is implemented, administrative coercive measures are implemented during the inspection, and the survey (investigation) and inspection transcript are produced, the on-site transcript is no longer produced.

If the entire audio and video recording of the implementation of administrative coercive measures already has the substantive elements specified in paragraphs 3 and 4 of paragraph 1 of this article, it may replace the written on-site transcript, but the key content of the audiovisual materials and the corresponding time period should be written Explanation.

Article 103 If the situation is urgent and administrative coercive measures need to be implemented on the spot, they shall be implemented in accordance with the following provisions:

(1) If administrative coercive measures need to be implemented on land, law enforcement personnel should report to the person in charge of the affiliated maritime police agency within 24 hours and complete the approval procedures; among them, if administrative coercive measures restricting the personal freedom of citizens are implemented, law enforcement personnel After returning to the unit, immediately report to the person in charge of the affiliated maritime police agency and complete the approval procedures;

(2) If administrative coercive measures need to be implemented on the spot at sea, law enforcement personnel should report to the person in charge of the affiliated maritime police agency within 24 hours, and the approval procedures should be completed in time after arriving; The person in charge of the police agency shall report to the person in charge of the marine police agency within 24 hours after the force majeure impact is eliminated.

If the person in charge of the maritime police agency believes that administrative coercive measures should not be taken, it should be released immediately.

Article 104 In cases where the evidence may be lost or difficult to obtain in the future, with the approval of the person in charge of the maritime police agency, it may be registered and kept first. If the situation is urgent and the first registration and preservation measures need to be taken on the spot, the person in charge of the maritime police agency may be reported to the person in charge of the immediate communication method for approval, and the approval procedure shall be completed within 24 hours.

During the period of first registration and preservation, the holder of evidence and other personnel shall not damage or transfer the evidence.

Evidence kept in advance registration shall be processed within seven days. If the decision is not made after the deadline, it shall be deemed to be automatically released.

Article 105 The seizure or detention shall be carried out in accordance with the following provisions:

(1) Articles, means of transport that need to be used as evidence related to public security and entry and exit cases, books and documents related to suspected smuggled goods, articles, and transport workers, and 《 Anti-Terrorism Law of the People's Republic of China 》, 《 Fisheries Law of the People's Republic of China 》, 《 Law of the People's Republic of China on Marine Environmental Protection 》, 《 Surveying and Mapping Law of the People's Republic of China 》 and other laws and regulations stipulate that items that are seized or detained may be seized or detained according to law with the approval of the person in charge of the maritime police agency;

(2) The goods, articles, and means of transportation suspected of being smuggled may be detained according to law with the approval of the person in charge of the maritime police agency above the municipal police station;

(3) Foreign ships illegally entering my country's territorial waters and the waters within it can be detained according to law with the approval of the person in charge of the maritime police agency above the municipal police station.

The following items shall not be detained or detained:

(1) Items not related to the case;

(2) The necessities of the individual citizens and their dependents;

(3) The property legally occupied by the infringed person or a bona fide third party.

In the case of the second and third cases of paragraph 2 of this article, they shall be registered, stating the name, specifications, quantity, and characteristics of the registered property, and signed by the occupier or stuck the fingerprint. If necessary, you can take pictures. However, those who must be identified in connection with public security, entry and exit, and terrorism cases can be detained according to law and should be released immediately after the end.

Article 106 When handling the following maritime administrative cases, the places, facilities or articles related to illegal acts may be sealed according to law with the approval of the person in charge of the maritime police agency:

(1) Unauthorized operation of industries that need to be approved by public security organs in accordance with state regulations;

(2) According to 《 Regulations on the management of entertainment venues 》 Banning measures can be taken;

(3) 《 Anti-Terrorism Law of the People's Republic of China 》, 《 Law of the People's Republic of China on Marine Environmental Protection 》, 《 Surveying and Mapping Law of the People's Republic of China 》 and other laws and regulations stipulate other maritime administrative cases to which seizures apply.

Places, facilities, items related to illegal acts and the necessities of individual citizens and their dependents shall not be sealed.

Places, facilities, and items have been seized by other state organs according to law, and shall not be sealed repeatedly.

Article 107 The period of seizure, detention and seizure shall be implemented in accordance with the provisions of relevant laws and regulations.

If the items need to be identified, the period of identification shall not be included in the period of seizure, detention, and seizure, but the parties shall be informed in writing of the period of identification.

Article 108 When taking measures such as first registration and preservation, seizure, detention, and seizure to preserve evidence, it should be clear with the parties to produce and deliver the evidence preservation decision on the spot. When necessary, the evidence taking the evidence preservation measures should be photographed or the process of taking the evidence preservation should be recorded. The evidence preservation decision shall state the following matters:

(1) The name or name and address of the parties;

(2) The reasons, basis and duration of the first registration and preservation, seizure, detention and seizure;

(3) If you can apply for administrative reconsideration or file an administrative lawsuit according to law, you should clarify the method and time limit;

(4) The name, seal and date of the decision-making police agency.

The evidence preservation decision should be accompanied by a list of places, facilities, names, specifications, quantities, characteristics, etc. of the items that have been taken to preserve the evidence. Those who seize the original storage medium of electronic data should also specify the storage status, signed by law enforcement officers and parties After that, one copy is submitted to the parties and one volume is attached. If there is a witness, it should also be signed by the witness. If the party or witness refuses to sign, the law enforcement officer shall indicate on the evidence preservation list.

Article 109 In one of the following circumstances, the property shall be returned immediately and signed and confirmed by the parties; if the property is not involved in the return, the parties shall be notified in writing to release the evidence preservation:

(1) The parties have not violated the law;

(2) The place, facility, article, property that has been taken to preserve evidence has nothing to do with the violation;

(3) The processing decision has been made and evidence preservation measures are no longer required;

(4) The time limit for taking evidence preservation measures has expired;

(5) Other situations where evidence preservation measures are no longer required.

Article 110 Those who take freezing measures on the deposits, remittances, bonds, stocks, fund shares of suspected terrorist activities shall submit a freeze notice to the financial institution with the approval of the head of the maritime police agency.

The maritime police agency that makes the freeze decision shall deliver the freeze decision to the terrorist suspect within three days. The freeze decision should specify the following:

(1) The name or name and address of the suspect in terrorist activities;

(2) The reason, basis and duration of the freeze;

(3) The frozen account number and amount;

(4) The method and time limit for applying for administrative reconsideration or filing an administrative lawsuit;

(5) The name, seal and date of the marine police agency.

Article 111 Within two months from the date of freezing, the maritime police agency shall make a processing decision or lift the freeze; if the situation is complicated, it may be extended by one month with the approval of the head of the higher-level maritime police agency.

The decision to extend the freeze should promptly inform the suspect of terrorist activities in writing and explain the reasons.

If a decision is made to lift the freeze, the financial institution shall be notified in a timely manner.

Article 112 If a suspect who violates public security management is in a drunk state and is in danger to himself or threatens the personal, property or public safety of another person, he may take protective measures against him until he wakes up, or he may notify his family, relatives or friends Or the affiliated unit will take it back to the custody, and if necessary, it should be sent to the hospital to wake up. Drunk people whose behavior is out of control may use restraint belts or police ropes to restrain, but may not use police equipment such as handcuffs and shackles.

During the restraint process, a special person should be appointed to take strict care. After confirming that the drunkard is awake, the restraint should be lifted immediately and an inquiry should be conducted. The restraining time is not counted during the inquiry and verification time.

Article 113 Anyone who needs to be summoned to accept the investigation shall be approved by the person in charge of the case handling department of the maritime police agency and summoned using the summons certificate. Law enforcement officers have shown 《 to suspects found at the scene who violate public security management, exit and entry management, and involve terrorism and drugs China Marine Police Enforcement Certificate 》 can be summoned orally, and the questioning transcript indicates the time of the suspect's arrival, arrival and departure time.

Suspects who violate the law and order management, the entry and exit management, and other illegal suspects who can be called by law without the justification for not accepting the summons or evading the summons can be forced to be summoned by the person in charge of the case handling department of the maritime police agency. When compulsory summons, binding police equipment such as handcuffs and police ropes can be used according to law.

The maritime police agency shall inform the summoned person of the reason and basis of the summons and notify his family. Notify the family of the summoned person to apply the provisions of Article 102, paragraph 2 of this provision.

Article 114 If summoned by a subpoena, after the suspect is summoned to the case and after the inquiry and verification are completed, he shall fill in the case and leave time and sign the subpoena. If you refuse to fill in or sign, the law enforcement officer shall indicate on the summons certificate.

Article 115 For the summoned suspects, the maritime police agency should promptly inquire about the verification, and the time for inquiring about the verification should not exceed eight hours; if the case is complicated and the violation may be subject to administrative detention punishment according to law, the time for inquiring about the verification shall not exceed 24 hours.

Suspects who violate the law cannot be detained in disguise in the form of continuous summons.

Article 116 Persons suspected of taking drugs may be subjected to the necessary tests, and the detected persons shall cooperate; those who refuse to accept the test may be subject to mandatory testing with the approval of the person in charge of the marine police agency. The collection of samples of female tested persons should be carried out by female staff.

Article 117 Foreigners suspected of violating the entry and exit management shall be subject to detention review, limit the scope of activities, and deportation measures in accordance with the relevant provisions of Chapter 14 of this Regulation.

Article 118 Constraints on suspects of terrorist activities shall comply with the following provisions:

(1) Before implementation, it should be approved by the person in charge of the marine police agency;

(2) Implemented by more than two law enforcement personnel and presented 《 China Marine Police Enforcement Certificate 》;

(3) Inform the suspect of the reasons, basis and rights and remedies enjoyed by the suspect according to law;

(4) Listen to the suspect's statement and defense;

(5) Issue a decision.

The maritime police agency may use electronic monitoring, irregular inspection and other methods to supervise the subject's compliance with the restraint measures.

The duration of the binding measures shall not exceed three months. If there is no need to continue to take binding measures, the restrained person shall be released and notified in a timely manner.

Article 119 If a ship suspected of being under investigation for a violation of the law, the Marine Police Agency orders it to be moored at a designated place or prohibits it from leaving the port, it shall make a decision to order mooring or a decision to prohibit departure. Order that the period of mooring at designated locations or prohibiting departure from Hong Kong shall not exceed thirty days; if the situation is complicated, it may be extended with the approval of the head of the maritime police agency, but the extension period shall not exceed thirty days.

Article 120 Suspects who have been found or arrived in cases involving public security, entry and exit, terrorism, drugs, smuggling, etc. should be subject to security inspections to discover contraband or control appliances, weapons, flammable and explosive substances, as well as related to the case. Items that need to be evidence should be seized immediately according to law; items that are not related to the case carried by the suspect should be registered, kept, or return. There is no need to issue an inspection certificate for security inspection.

The seizures specified in the preceding paragraph shall apply the provisions of Article 102, Article 103, Article 105 and Article 107 of this Regulation.

Section 9 Collaboration in case handling

Article 121 If you need to collaborate with off-site maritime police agencies in handling administrative cases, you should prepare a letter of collaboration in handling cases. The maritime police agency responsible for collaboration should handle the letter requesting collaboration.

Article 122 If the summons needs to be carried out in another place, the law enforcement personnel shall hold the summons certificate, the case handling collaboration letter and 《 China Marine Police Enforcement Certificate 》, contact the cooperating maritime police agency to summon in collaboration with the cooperating maritime police agency. The maritime police agency in the place of collaboration should assist in summoning the suspected offender to the maritime police agency, its city, the designated place in the county, or to its residence, unit, or other place for inquiry.

Article 123 If you need to go through inspections and inquiries in other places, seal up, seize or freeze the property and documents related to the case, you should hold relevant legal documents, collaboration letters for handling cases and 《 China Marine Police Enforcement Certificate 》, contact the cooperating maritime police agency, and the collaborating maritime police agency should assist in implementation.

In an emergency, the case handling collaboration letter and related legal documents can be faxed or sent to the cooperating maritime police agency through the law enforcement case handling information system. The cooperating maritime police agency should take timely measures. The maritime police agency in the place where the case is handled should immediately send personnel to the collaborative place.

Article 124 If a remote video inquiry is required, the identity of the person being interrogated should be verified in advance by the local police agency. The maritime police agency in the place where the case is handled should produce a transcript of the inquiry and transmit it to the local maritime police agency in collaboration. After the inquiry transcript is confirmed by the interviewee and signed on a page or stamped with the finger, it is signed or sealed by the collaborators of the local police agency, and the original or electronic signature transcript is provided to the local police agency. The law enforcement personnel responsible for inquiries at the local police agency should indicate the date of receipt on the homepage and sign or seal. The inquiry process should be recorded throughout the process.

Article 125 The maritime police agency in the place where the case is handled may entrust the off-site maritime police agency to do inquiries, retrieve electronic data from relevant units and individuals, receive self-writing materials, and conduct identification.

If the entrustment is for inquiry and identification, the maritime police agency in the place where the case is handled shall list clear and specific inquiry, identification outline, and provide photos and accompanying photos of the identified person.

If the entrusted person obtains electronic data from relevant units and individuals, the local police agency shall fax the case handling collaboration letter and related legal documents or send it to the local maritime police agency through the law enforcement case handling information system. After the verification is processed.

Article 126 In accordance with the requirements of the maritime police agency in the place where the case is handled, the legal responsibilities arising from performing the duties of cooperation in case handling shall be borne by the maritime police agency in the place where the case is handled.

Chapter VIII Hearing Procedure

Section 1 General Provisions

Article 127 Before making the following administrative punishment decisions, the maritime police agency shall inform the parties of the right to request a hearing. If the parties request a hearing, the maritime police agency shall organize a hearing:

(1) A larger amount of fine;

(2) Order to suspend production and close business;

(3) Confiscate a larger amount of illegal income and confiscate larger value illegal property;

(4) Other heavier administrative penalties;

(5) Other circumstances stipulated by laws, regulations and rules.

The first paragraph of the first paragraph of " a larger amount of fines " refers to the fines of more than 2,000 yuan for individuals and more than 10,000 yuan for units in cases of law and order, terrorism, drugs, etc.; The entry case imposes a fine of more than 6,000 yuan on individuals and a fine of more than 10,00 yuan on units; Handling marine fisheries cases imposes a fine of more than 3,000 yuan on individuals and a fine of more than 30,000 yuan on units; handling marine resource development and utilization cases imposes a fine of more than 5,000 yuan on individuals and a fine of more than 50,000 yuan on units. Local regulations, departmental regulations, and local government regulations stipulate otherwise for the larger amount of " ", as stipulated by them.

The third paragraph of the first paragraph refers to the larger amount of illegal income " and " larger value illegal property " implemented with reference to the provisions of the second paragraph.

The parties do not bear the cost of organizing hearings by the maritime police agency.

Article 128 The hearing is organized and implemented by the legal department of the maritime police agency; if the department is not prepared, it will be organized by personnel who have not participated in the investigation of the case.

Article 129 The legal department organizes hearings, and should fully listen to the statements and arguments of the parties, as well as the opinions and suggestions of law enforcement officers and third parties in this case, regarding the facts, evidence, procedures, and applicable laws of the administrative case.

The maritime police agency shall not aggravate the punishment due to the hearing request of the parties.

Section 2 Hearing Witnesses and Hearing Participants

Article 130 The hearing establishes a hearing host who is responsible for organizing the hearing; a recorder who is responsible for making the hearing transcript. If necessary, one or two hearing officers may be established to assist the hearing host in conducting the hearing.

Investigators in this case may not be the moderator, hearing officer or recorder of the hearing.

Article 131 The hearing host decides or carries out the following matters:

(1) The time and place of the hearing;

(2) Whether the hearing is held in public;

(3) Require the parties to the hearing to attend the hearing to provide or supplement evidence;

(4) Extension, suspension or termination of the hearing;

(5) Preside over the hearing and organize qualitative evidence and debate on the facts, reasons, evidence, procedures, applicable laws of the case;

(6) Maintain the order of the hearing and stop the violation of the discipline of the hearing;

(7) Other related matters.

Article 132 Participants in the hearing include the following persons:

(1) The parties and their agents;

(2) The third person and his agent;

(3) Law enforcement personnel in this case;

(4) Witnesses, experts and translators in this case.

Article 133 The parties enjoy the following rights during the hearing:

(1) Apply for avoidance;

(2) Entrust one or two agents to participate in the hearing;

(3) Make statements, defenses and cross-examinations;

(4) Check and correct the transcript of the hearing;

(5) Other rights enjoyed by law.

Article 134 Other citizens, legal persons or other organizations that are directly interested in the outcome of the hearing case, if they apply as a third party to participate in the hearing, they should be allowed. In order to ascertain the case, the hearing host may also notify him to participate in the hearing if necessary.

Section 3 Notification, Application and Acceptance of Hearing

Article 135 For administrative cases to which the hearing procedure applies, the case handling department shall inform the parties of the content of the administrative punishment to be made and the facts, reasons, basis and right to request a hearing after submitting a punishment opinion.

Article 136 If the parties request a hearing, they shall file an application within five days after notification by the Marine Police Agency.

Article 137 After the party waives the hearing or withdraws the hearing request, and the punishment decision is made before the hearing request is made, it shall be allowed within the validity period of the hearing application.

Article 138 After receiving the hearing application, the maritime police agency shall decide whether to accept it within two days.

In one of the following circumstances, the decision shall not be accepted:

(1) The hearing applicant is not a party to the hearing or its agent;

(2) Failure to file a hearing application within the prescribed time limit;

(3) Other situations that do not meet the conditions for applying for a hearing.

If the hearing application is not accepted, a notice of inadmissibility shall be made and the hearing applicant shall be notified within two days after receiving the hearing application. Those who do not inform the hearing applicant after the deadline are deemed to be accepted.

Article 139 After accepting the hearing, the maritime police agency shall serve the hearing notice to the applicant seven days before the hearing, and notify other hearing participants of the time and place of the hearing.

The notice of hearing shall specify the following matters:

(1) The name or name of the party;

(2) The time and place of the hearing;

(3) The name of the hearing host, hearing officer, and recorder;

(4) The rights and obligations of the parties and their agents;

(5) Whether to hold the hearing in public and its reasons;

(6) Other related matters.

Article 140 If the parties apply for evasion by the hearing officer, they should submit it to the maritime police agency that organized the hearing three days before the hearing. If the reason for avoidance is known at the hearing, it can also be raised at the hearing.

The evasion of the hearing host is determined by the person in charge of the maritime police organization that organized the hearing; the evasion of the hearing officer and recorder is determined by the hearing host.

Section 4 Holding of Hearing

Article 141 The hearing shall be held within ten days from the date of receipt of the hearing application by the maritime police agency.

In addition to state secrets, business secrets, or personal privacy, which are kept confidential according to law, the hearing should be held in public.

Article 142 If the applicant for the hearing cannot participate in the hearing on time, he can apply for an extension. Whether or not to grant it is determined by the host of the hearing.

Article 143 If more than two parties file a hearing request for the same administrative case, they may be held together.

Article 144 There are more than two parties in the same administrative case. Some of the parties who apply for a hearing should make a decision after the hearing.

Article 145 At the beginning of the hearing, the moderator of the hearing shall complete the following preparations for the hearing:

(1) Check the identity of the hearing participant;

(2) The reason for the announcement;

(3) Announce the list of hearing officers, recorders and hearing participants;

(4) Inform the parties of their rights and obligations in the hearing;

(5) Ask the parties whether to apply for avoidance;

(6) For administrative cases with closed hearings, the reasons for the closed hearings are declared;

(7) Announce the discipline of the hearing.

Article 146 The hearing is conducted according to the following procedures:

(1) The law enforcement personnel in this case stated the facts of the parties' violation of the law, presented relevant evidence, and proposed the proposed administrative punishment decision and legal basis; among them, the witness testimony, appraisal opinion, investigation transcript and other documents as evidence should be read on the spot;

(2) The parties or their agents make statements, defenses and cross-examinations on the illegal facts stated by law enforcement officials, the evidence presented, the proposed administrative punishment decision and the legal basis, and may present new evidence;

(3) The third person and his agent state the facts and reasons, and can present new evidence;

(4) The moderator of the hearing asks the facts, evidence, punishment basis, etc. of the case;

(5) The parties or their agents, third parties or their agents and law enforcement personnel debate the facts, evidence, procedures, applicable laws, types and scope of penalties of the case;

(6) The moderator of the hearing listens to the parties or their agents, third parties or their agents, and law enforcement personnel to make final statements.

Article 147 During the hearing, the parties or their agents have the right to apply for notification of new witnesses to testify at the meeting and retrieve new evidence. For the above application, the moderator of the hearing shall make a decision on whether to agree on the spot; if the application is re-identified, it shall be handled in accordance with the relevant provisions of Chapter VII, Section 4 of this Regulation.

Article 148 During the hearing, if there is one of the following circumstances, the hearing host may suspend the hearing:

(1) New witnesses need to be notified to attend the meeting, new evidence needs to be retested or surveyed;

(2) The hearing cannot be continued due to avoidance;

(3) Hearing participants other than the parties and their agents do not abide by the hearing discipline, causing chaos in the venue;

(4) Other circumstances that require the suspension of the hearing.

After the suspension of the hearing is eliminated, the moderator of the hearing shall resume the hearing in a timely manner.

Article 149 During the hearing, if one of the following circumstances occurs, the hearing shall be terminated:

(1) If the party or its agent withdraws the hearing application;

(2) If the parties and their agents refuse to attend without justifiable reasons or withdraw from the hearing without the permission of the hearing host;

(3) The death of the party or the termination of the legal person or other organization as a party has no right and obligation to waive the right of hearing by the successor or the successor;

(4) During the hearing, the parties or their agents disturbed the order of the hearing and did not listen to dissuasion, which prevented the hearing from proceeding normally;

(5) Other circumstances requiring the termination of the hearing.

Article 150 Hearing participants and observers should observe the discipline of the hearing venue. If the violation of the discipline of the hearing venue is violated, the hearing host shall warn against it; the observers who do not listen to it and interfere with the normal conduct of the hearing shall be ordered to withdraw.

Article 151 The recorder should record the hearing in the hearing transcript. The transcript of the hearing shall contain the following:

(1) The reason for the case;

(2) The time, place and method of the hearing;

(3) The identity of the hearing person and the hearing participant;

(4) The facts, evidence and administrative punishment decisions to be made by law enforcement personnel and their basis;

(5) Statements and defenses of the parties or their agents;

(6) The facts and reasons stated by the third person or his agent;

(7) The content of the law enforcement personnel, parties or their agents, third parties or their acting hostage certificates, debates;

(8) The facts stated by the witness;

(9) The final statement of the parties or their agents, third parties or their agents, and law enforcement personnel;

(10) Other matters.

Article 152 The transcript of the hearing shall be read or read to the parties or their agents, third parties or their agents. The witness statement part of the hearing transcript should be read by or read out to the witness. If the party or its agent, third party or its agent or witness believes that the transcript of the hearing is wrong, it may request additional or correction. The transcript of the hearing is signed or sealed by the parties or their agents, third parties or their agents, witnesses, and law enforcement personnel in this case. If the party or its agent, third party or its agent or witness refuses, the hearing host shall indicate in the hearing transcript.

After the hearing transcript is reviewed by the hearing host, the hearing host, hearing officer and recorder sign it.

Article 153 After the hearing, the host of the hearing shall write a hearing report and report it to the person in charge of the maritime police agency together with the transcript of the hearing.

The hearing report should include the following:

(1) The reason for the case;

(2) The basic situation of the hearing personnel and hearing participants;

(3) The time, place and method of the hearing;

(4) The basic situation of the hearing;

(5) The facts of the case;

(6) Handle comments and suggestions.

Article 154 The maritime police agency shall make a decision in accordance with the transcript of the hearing and in accordance with the provisions of Article 176 of this Regulation.

Chapter IX Administrative Processing Decision

Section 1 Application of Administrative Penalties

Article 155 Violations of public security management have not been discovered by the Marine Police Agency within six months, and other violations have not been discovered by the Marine Police Agency within two years, and no administrative penalties will be imposed. If it involves the health and safety of citizens' lives, financial safety and harmful consequences, the above period will be extended to five years.

The time limit stipulated in the preceding paragraph shall be calculated from the date when the illegal act occurs, and if the illegal act has a continuous or continuing state, it shall be calculated from the date of the end of the act.

Article 156 When imposing administrative penalties, the parties should be ordered to correct the violations on the spot or within a limited time.

Article 157 Administrative penalties for more than two fines shall not be imposed on the same illegal act of the parties. If the same illegal act violates multiple laws and regulations and should be fined, it shall be punished in accordance with the high fine.

Article 158 Those under the age of 14 who commit illegal acts shall not be subject to administrative punishment, but their guardians shall be ordered to exercise strict discipline and shall be stated in the decision not to impose administrative punishment. Anyone who has reached the age of 14 but under the age of 18 who commits an illegal act shall be given a lighter or reduced administrative penalty.

Article 159 Mental patients and intellectually disabled persons who violate the law when they cannot identify or control their actions shall not be subject to administrative punishment, but their guardians shall be ordered to take strict care and treatment, and shall be stated in the decision on no administrative punishment. If an intermittent mental patient commits an illegal act while mentally ill, he shall be given administrative punishment. If a mental patient or intellectually disabled person who has not completely lost the ability to identify or control his behavior commits an illegal act, he may be given a lighter or mitigated administrative penalty.

Article 160 In cases such as public security, entry and exit, terrorism, drugs, etc., if the suspected offender has one of the following circumstances, the punishment shall be reduced or no administrative punishment shall be imposed:

(1) The plot is particularly minor;

(2) Actively eliminate or mitigate the harmful consequences of illegal acts, and obtain the understanding of the victim;

(3) Being coerced or deceived by others to commit illegal acts;

(4) Those with merit performance;

(5) Actively surrender the case and truthfully state their illegal behavior to the maritime police agency;

(6) Other circumstances where administrative punishment should be reduced or not granted according to law.

If a blind person or a deaf and dumb person violates public security management, he may be given a lighter, lighter or no administrative punishment; if a drunk person violates public security management, he shall be punished.

Article 161 In handling other administrative cases, if the parties have one of the following circumstances, the punishment shall be lighter and mitigated:

(1) Actively eliminate or mitigate the harmful consequences of illegal acts;

(2) Being coerced or deceived by others to commit illegal acts;

(3) Actively confessing violations not yet mastered by the maritime police agency;

(4) Cooperate with the maritime police agency to investigate and punish illegal acts and perform their duties;

(5) Cooperating with the maritime police agency to investigate and punish illegal acts and admit the punishment by mistake;

(6) Laws, regulations, and regulations stipulate that other circumstances should be lighter or reduce administrative penalties.

Anyone who violates the law in public security, entry, terrorism, drugs and other cases shall be given a lighter punishment if they have the circumstances listed in the first, third, and fifth paragraphs of the preceding paragraph.

Article 162 If the illegal behavior is minor and corrected in a timely manner, and there are no harmful consequences, no administrative punishment will be imposed. Those who violate the law for the first time and have minor harm consequences and correct them in a timely manner may not be subject to administrative penalties.

If the parties have sufficient evidence to prove that there is no subjective fault, no administrative penalty will be imposed.

The " initial violation of the law " specified in this article refers to the first time that a similar violation by a party has been discovered by law enforcement agencies. Although the illegal act has not been discovered but is still within the statute of limitations, it is not part of " the first illegal ".

Article 163 If the party has one of the following circumstances, it shall be severely punished:

(1) Abetting, coercing, and deceiving others to commit illegal acts;

(2) Retaliation against the reporter, accuser, whistleblower, witness, etc.;

(3) Those who have received more than two administrative penalties for similar violations within one year;

(4) Within three years after the execution of the penalty, or during the probation period, violation of public security management;

(5) Other cases where heavier punishment should be imposed according to law.

Article 164 If a person has more than two types of illegal acts, they decide separately and implement them together. They can make a decision that specifies the content of each illegal act and the content of the combined execution.

If there are multiple offenders in a case, it is decided separately, and multiple decisions can be made, stating the handling decision given to each person, and serving each offender separately.

Article 165 Administrative detention penalties are combined and executed for a maximum of 20 days.

Before the execution of the administrative detention punishment, if the person is found to have other illegal acts, and if the maritime police agency makes an administrative detention decision according to law, it shall be executed in conjunction with the administrative detention being carried out.

Article 166 Those who decide to impose administrative detention punishment have been subjected to coercive measures for the same act before the punishment, and the time for limiting personal freedom should be offset. Restrict personal freedom for one day, offset by the day of administrative detention. The time for inquiry verification, continued cross-examination, and restraint measures will not be offset.

If compulsory measures are taken to limit personal freedom for more than the determined administrative detention period, the administrative detention decision will no longer be implemented.

Article 167 If the party has one of the following circumstances and should be given administrative detention punishment according to law, a punishment decision shall be made, but it shall not be sent to the detention facility for execution:

(1) has reached the age of 14 but not the age of 16;

(2) Having reached the age of 16 but under the age of 18, the first violation of public security management or other public security administration. Those who have been administratively detained do not perform administrative detention in accordance with the law or have been guilty of violating public order, obstructing public safety, infringing personal rights, property rights, and obstructing social management by the people's court are not considered as the first violation of public security management;

(3) Over 70 years old;

(4) Pregnant women or women who are breastfeeding their babies.

Section 2 Decisions on administrative processing

Article 168 The duration of the maritime police agency's handling of public security cases shall not exceed thirty days from the date of filing; if the case is significant and complex, it may be extended by thirty days with the approval of the higher-level maritime police agency. The time limit for handling smuggling administrative cases shall not exceed six months from the date of filing; if it is indeed necessary, the time limit may be extended with the approval of the head of the maritime police agency, and the extension period shall not exceed six months. The handling of other administrative cases shall not exceed ninety days from the date of filing; if the case is significant and complicated, it may be extended by ninety days with the approval of the head of the maritime police agency.

If the case is particularly complicated or there are other special circumstances, and the decision cannot be made after the extension of the time limit, the decision may continue to be extended by the collective discussion decision of the maritime police agency above the provincial police station.

The period specified in the first two paragraphs does not include the time for announcement and identification.

If the violation of public security management cases due to objective reasons such as unknown or escape cannot be decided within the statutory period, the maritime police agency shall continue to investigate and obtain evidence, explain the situation to the victim, and make a decision in accordance with the law in a timely manner.

During the case handling period, if the parties are found to have committed another illegal act, the time limit for handling the case shall be recalculated from the date of discovery.

Article 169 If the party does not speak the real name, address, and identity is unknown, but the illegal facts are clear and the evidence is sufficient, it can make a processing decision based on its self-reported name and attaching a photo, and indicate it in the relevant legal document.

Article 170 Before making an administrative punishment decision, the maritime police agency shall inform the parties of the content and facts, reasons, and basis of the administrative punishment to be made, and inform the parties of the right to state, defend, etc. If the unit violates the law, it shall inform its legal representative, principal person in charge or its authorized personnel.

If ordinary procedures are applied to make administrative punishment decisions, they shall be notified in writing or in transcript.

If a decision not to be subject to administrative punishment is made in accordance with Article 176, paragraph 1, paragraph 3 of this provision, the notification procedure specified in paragraph 1 of this article may not be performed.

Article 171 If you need to be notified before the remote video penalty, the cooperating maritime police agency should verify the identity of the informed person in advance. The maritime police agency in the place where the case is handled shall produce a notification transcript and transmit it to the maritime police agency in the place of collaboration. After the notification transcript is confirmed by the informed person and signed on a page or the fingerprint is stamped, the collaborator of the local police agency will sign or stamp, and the original or electronic signature transcript will be provided to the local police agency. The law enforcement personnel responsible for informing the local police agency should indicate the date of receipt on the homepage and sign or seal. The notification process should be recorded throughout the process.

Article 172 If the facts of the violation are clear, the evidence is sufficient, and administrative punishment should be imposed according to law. If the party fails to perform the obligation of notification due to the escape of the party, the maritime police agency may take the form of an announcement to inform it. Within seven days from the date of the announcement, if the parties have not filed a defense, they may make an administrative penalty decision in accordance with the law.

Article 173 The parties have the right to make statements and defenses. The maritime police agency shall review the facts, reasons and evidence presented by the parties; if the facts, reasons or evidence presented by the parties are established, the maritime police agency shall adopt them.

The maritime police agency shall not impose heavier penalties on the parties for their statements and defenses.

Article 174 When reviewing and approving administrative cases, the following should be reviewed:

(1) Whether the unit has jurisdiction and whether it should be transferred to other maritime police agencies and state organs;

(2) Whether law enforcement personnel are qualified for law enforcement;

(3) The basic situation of the parties;

(4) Whether the facts of the case are clear and whether the evidence is sufficient;

(5) Whether the characterization of the case is accurate;

(6) Whether the applicable laws, regulations and rules are correct;

(7) Whether the procedure and authority are legal;

(8) Whether the proposed processing decision is appropriate;

(9) Whether the legal documents are complete and regulated.

Article 175 Legal personnel or personnel designated by the Marine Police Agency to undertake legal work may serve as administrative case reviewers.

Persons who are engaged in the review of administrative punishment decisions for the first time shall obtain legal professional qualifications through the national unified legal vocational qualification examination.

Article 176 At the end of the investigation of the case, the maritime police agency shall make the following treatments based on the investigation results or the investigation end report:

(1) If there is an illegal act and administrative punishment should be given, the administrative punishment decision shall be made according to its circumstances and the severity of the harmful consequences;

(2) If there is an illegal act, but there is no administrative punishment according to law, a decision shall not be made;

(3) If the illegal facts cannot be established, a decision shall not be made without administrative punishment;

(4) If the community needs to be given drug treatment, compulsory isolation and drug treatment, make a decision according to law;

(5) Those who meet the conditions of legal collection and recovery shall be collected and recovered;

(6) If it should be transferred to other administrative agencies, it should be transferred to the relevant administrative agencies for processing according to law;

(7) If the parties are found to have committed other illegal acts, they shall notify the relevant administrative organs to deal with them while making administrative processing decisions in accordance with law;

(8) If the illegal act is suspected of constituting a crime, it will be transferred to a criminal case or transferred to the competent authority with the right to handle it, without the need to revoke the administrative case. If the maritime police agency has made an administrative decision, it shall be attached.

To make a decision to deal with complex or major violations, the head of the maritime police agency should organize a collective discussion decision.

Cases that have made a decision not to be subject to administrative punishment in accordance with paragraph 3 of paragraph 1 and found new evidence shall be investigated in a timely manner according to law; if the violation can be determined, the decision shall be re-handled according to law, and the original decision not to be administratively punished shall be revoked .

If there is an infringed person in a security case, the maritime police agency shall deliver a copy of the decision to the infringed person within two days from the date of the decision not to impose administrative punishment or punishment. If it cannot be delivered, it should be noted.

Article 177 If administrative detention is given to the representatives of the people's congresses at all levels and above the county level, the punishment decision shall be approved by the presidium of the people's congress at that level or the standing committee of the people's congress.

If the representatives of the people's congresses in towns, ethnic townships, and towns are administratively detained, the decision-making maritime police agency shall immediately report to the people's congresses in towns, ethnic townships, and towns.

Article 178 If an administrative penalty decision is made, an administrative penalty decision shall be made. The decision shall state the following:

(1) The name, gender, date of birth, type and number of identity documents, address, and name, address, and legal representative of the punished unit. If the ship is used to engage in illegal activities, the name of the ship and the port of registry shall also be stated And radio identification codes and other information;

(2) Illegal facts and evidence, as well as gravity, lighterness, and mitigation;

(3) The type, scope and legal basis of the punishment;

(4) The execution method and duration of the punishment;

(5) The results of the processing of the property involved and other handling of the punished person and the punished unit;

(6) Dissatisfaction with the punishment decision, the way and time limit for applying for administrative reconsideration and filing administrative litigation;

(7) The name, seal and date of the decision-making police agency.

If a fine is imposed, the administrative penalty decision shall set out the standards and maximum limits for the overdue payment of fines plus fines according to law; if the property involved is dealt with, the administrative penalty decision shall be accompanied by a list of confiscated, confiscated and recovered items.

Article 179 If an administrative detention punishment decision is made, the family members of the punished person shall be notified of the punishment and the place of execution or the situation of non-enforcement according to law.

If a decision to force isolation and detoxification is made, the family members, units, and public security police station where the household registration is located shall be notified within the statutory time limit. If a community drug treatment decision is made, the city street office or township people's government shall be notified of the place where the person is determined or where he currently resides.

If the person being processed refuses to provide family contact information or does not speak the real name and address, and the identity is unknown, it may not be notified, but it should be indicated in the attached decision.

Article 180 Criminal cases handled by the maritime police agency are not enough for criminal punishment. If they should be given administrative treatment according to law, with the approval of the head of the maritime police agency, a decision shall be made in accordance with the provisions of this chapter.

If the People's Procuratorate submits to the Marine Police Agency an administrative punishment prosecution opinion for the unprosecuted person, the Marine Police Agency shall make a decision in accordance with the law in a timely manner and notify the People's Procuratorate within seven days of the decision.

Chapter 10 Simplified Procedures and Quick Processing

Section 1 Simple Procedure

Article 181 If the facts of the violation are conclusive and have a legal basis, and there is one of the following circumstances, the law enforcement personnel of the maritime police agency may apply the summary procedure and make a punishment decision on the spot; if there is a prohibited product, it may be collected on the spot:

(1) Fines or warnings of less than 500 yuan for individuals, fines or warnings of less than 5,000 yuan for units;

(2) The fine penalty decision is not made on the spot at sea, and it is difficult to punish afterwards;

(3) Other circumstances where the law provides for punishment on the spot.

Cases involving prostitution, prostitution, gambling, drugs are not applicable on the spot.

Article 182 Penalties on the spot should be implemented in accordance with the following procedures:

(1) Show 《 to the parties China Marine Police Enforcement Certificate 》;

(2) Collect evidence;

(3) Orally inform the parties of the content, facts, reasons and basis of the administrative penalty decision, and inform the parties of the right of statement and defense in accordance with law;

(4) Fully listen to the parties' statements and defenses; if the facts, reasons or evidence presented by the parties are established, they shall be adopted;

(5) Fill in the predetermined format, numbered administrative penalty decision, and deliver the punished person on the spot.

If the fine is collected on the spot according to law, the fine receipt should be filled out and delivered to the offender; if the fine is not collected on the spot, the punished person should be informed to pay the fine to the designated bank or through the electronic payment system within the prescribed time limit.

Article 183 If the law enforcement personnel of the maritime police agency make a punishment decision on the spot, they shall report to the affiliated maritime police agency for record within 24 hours after the decision. If a punishment decision is made on the spot at sea, it shall be reported to the affiliated maritime police agency for record within 24 hours after arriving.

Section 2 Quick Processing

Article 184 For administrative cases where the summary procedure is not applicable, but the facts are clear, the parties voluntarily admit the punishment, and there is no objection to the illegal facts and laws, the maritime police agency can quickly handle the measures such as simplifying the method of evidence collection and review and approval.

Article 185 Administrative cases are subject to one of the following circumstances, and expedited processing is not applicable:

(1) The hearing procedure shall be applied according to law;

(2) May be punished for administrative detention for more than ten days;

(3) Has a major social impact;

(4) May be suspected of committing a crime;

(5) Other situations that should not be handled quickly.

Article 186 Before expeditiously handling administrative cases, the maritime police agency shall notify the parties in writing of the relevant regulations for expeditious processing, obtain their consent, and confirm their signature.

Article 187 For administrative cases that meet the conditions for rapid processing, the parties acknowledge the facts of the law, admit the punishment in their own writing materials or inquiry transcripts, and have key evidence such as audiovisual materials, electronic data, and inspection transcripts that can be mutually confirmed, the maritime police agency may no longer Conduct other investigations and evidence collection.

For fast-handled administrative cases, the Marine Police Agency can use a concise format to produce inquiry transcripts.

If the parties write their own materials, the Marine Police Agency can provide a style for their reference.

Those who use law enforcement recorders and other equipment to record and record the inquiry process can replace written inquiry transcripts. If necessary, make a written explanation of the key content of the audiovisual materials and the corresponding time period.

Article 188 For cases that are quickly handled, they can be reviewed by a full-time legal officer or the person in charge of the case handling department, and reported to the person in charge of the maritime police agency for approval.

Article 189 For administrative cases that are handled quickly, the maritime police agency may, based on the parties' misrepentance, correcting illegal acts, compensating for losses, and the victim's understanding, etc., lighter, mitigating punishment, or no administrative punishment for the parties according to law.

For administrative cases that are processed quickly, the maritime police agency may perform the pre-punishment notification procedure verbally, and the law enforcement personnel shall indicate the notification in the case file and be signed and confirmed by the offender.

Article 190 For administrative cases that are processed quickly, a decision should be made within 48 hours after the parties arrive.

Article 191 When the maritime police agency quickly handles administrative cases, it finds that it is not suitable for rapid processing, and transfers it to ordinary cases. The evidence collected in accordance with the law at the rapid processing stage can be used as the basis for the finalization.

Chapter XI Public Security Mediation

Article 192 For beatings caused by civil disputes, intentional injury, insult, defamation, false accusation of framing, intentionally damaging property, interfering with the normal life of others, infringing privacy and other violations of public security management, the circumstances are lighter, and if there is one of the following circumstances, mediation deal with:

(1) Caused by disputes between relatives and friends, neighbors, colleagues, and fishermen due to trivial matters;

(2) The infringement of the perpetrator is caused by the fault before the infringed person;

(3) Other situations where applicable mediation is more likely to resolve conflicts.

For civil disputes that do not constitute a violation of public security management, the parties should be informed to apply to the people's court or people's mediation organization for processing.

The minor circumstances, clear facts, and clear causality, which do not involve medical expenses, loss of goods, or compensation of medical expenses and loss of goods by both parties are not in dispute, and are in compliance with the conditions of public security mediation. Both parties agree to mediate on the spot and perform security cases on the spot.

Mediation on the spot and make a mediation agreement. However, if the basic situation of the parties, the main illegal facts and the content of the agreement are clearly recorded in the live audio and video recordings, the mediation agreement may no longer be made.

Article 193 In one of the following situations, mediation is not applicable:

(1) Hiring a murderer to hurt others;

(2) Fighting or other provocations;

(3) Multiple violations of public security management;

(4) The parties expressly unwilling to mediate;

(5) The parties committed violations of public security management against the other party during the process of public security mediation;

(6) During the mediation process, the suspect who violated the law escaped;

(7) Other situations that are not suitable for mediation.

Article 194 When mediating and handling cases, the facts should be ascertained, evidence collected, and the principles of lawfulness, fairness, voluntariness, and timeliness should be followed, focusing on education and mediation to resolve conflicts.

Article 195 If there are minors among the parties, their parents or other guardians should be notified of the mediation. However, if the person is a minor who has reached the age of 16 and takes his labor income as the main source of living, if he agrees not to notify, he may not notify.

If the victim entrusts another person to participate in the mediation, he shall submit a power of attorney to the Marine Police Agency and state the power of attorney. The suspect shall not entrust others to participate in mediation.

Article 196 When mediating a security case caused by a neighborhood dispute, the person of the resident (village) committee or a person familiar to both parties may be invited to participate in the mediation.

Article 197 Mediation is generally once. If a mediation fails, the Marine Police Agency deems it necessary or if the parties apply, it may mediate again and should be completed within seven days after the first mediation.

Article 198 If a mediation agreement is reached, a mediation agreement shall be produced under the auspices of the maritime police agency. Both parties shall sign the mediation agreement and perform the mediation agreement.

The mediation agreement should include the name of the mediation agency, the host, the basic situation of the parties and other personnel present, the time, place, personnel, cause, process, plot, result, etc. of the case, the content of the agreement, the duration and method of performance, etc. .

If an agreement is reached on mediation, the evidence materials of the case shall be kept and included in the file together with other documents and mediation agreements.

Article 199 If mediation reaches an agreement and performs it, no penalty will be imposed. If the mediation fails to reach an agreement or fails to perform after the agreement is reached, the person who violates the law and order shall be punished according to law; if the dispute for damages caused by the violation can be mediated and the mediation fails, the party shall be informed to file a civil lawsuit with the people's court .

The duration of the mediation case is calculated from the date when the mediation does not reach an agreement or the mediation agreement is not fulfilled.

Article 200 In the case of public security that complies with the provisions of Article 192 of this regulation, if the parties apply for people's mediation or self-reconciliation, and reach an agreement and perform it, the parties shall apply in writing and be approved by the maritime police agency, and the maritime police agency shall not punish the public security management. , Except for decisions that have been made according to law.

Chapter 12 Property Management Involved

Article 201 For property seized, detained, sealed, frozen, retrieved, sampled, seized, seized, and kept in accordance with the law, as well as property previously registered and kept by the Marine Police Agency, the Marine Police Agency shall keep it properly and shall not be used, misappropriated, replaced, damaged or Unauthorized handling.

The cost of custody of the property involved is borne by the maritime police agency that makes the decision.

Article 202 The management of the property involved implements the principle of separation of case handling and management, clear source of origin, timely handling according to law, and full acceptance of supervision.

The maritime police agency shall designate an internal department or specialized personnel to be responsible for the unified management of the property involved, and set up a special storage place or entrust a third person to centrally keep the property involved; special property involved may also be transferred to the relevant authorities for safekeeping.

For the lower value, easy to keep, or the need to continue to use as evidence, and the need to return the infringer's property in advance, a special place can be set up by the case handling department for storage. The case-handling department shall designate personnel who do not undertake the work of handling the case to be responsible for the management of the receipt, custody, transfer, etc. of the property involved in the case in this department. It is strictly forbidden for law enforcement personnel to keep the property in question.

The seized places, facilities, property or seized, detained bulk goods, articles, large transportation, etc. may be entrusted to a third party for safekeeping, and the third party shall not be damaged or transferred or disposed of without authorization. After the loss caused by the third person, the maritime police agency has the right to recover from the third person after first paying the compensation.

The maritime police agency shall set up or designate an account as the only compliance account for the management of the money involved in the case.

Article 203 The property management department and case handling department of the maritime police organization shall establish an electronic desk account to register the property in question one by one, specifying the cause, source, storage status, place and destination of the case.

Article 204 Law enforcement personnel shall transfer the property to the property management personnel involved in the case within 24 hours after the property involved is extracted according to law, and go through the transfer procedures.

If the property involved in the case is extracted in a different place, at sea or in a remote area with limited transportation, the transfer and storage procedures shall be completed within 24 hours after returning to the unit.

If the situation is urgent and it is necessary to carry out identification, identification, inspection, inspection, etc. within 24 hours after the extraction of the property involved, with the approval of the person in charge of the case handling department or above, it can be handed over within 24 hours after the completion of the above work.

If the property in question has been processed within 24 hours after the property in question is extracted, the transfer procedure will no longer be completed, but the relevant procedures for handling the property in question shall be kept in volume.

If the money is seized or withheld, the case handling department shall immediately deposit it in the sole compliance account and send the relevant legal documents and formalities copies to the property management department involved for registration.

Due to the needs of inquiries, identification, identification, inspection, inspection and other case handling work, with the approval of the person in charge above the case handling department, law enforcement personnel can use the property involved and return it in a timely manner.

Article 205 For the following goods and articles, with the approval of the person in charge of the maritime police agency above the municipal maritime police station, they may first auction or sell them according to law and notify the owner. If the owner is not clear, notify other parties:

(1) Dangerous goods such as finished oil;

(2) Fresh, perishable, and easily failable are not suitable for long-term preservation;

(3) Long-term non-use of vehicles, ships, etc. that are prone to decline in mechanical performance and depreciation of value;

(4) If the volume is huge and difficult to keep;

(5) Everyone applies for pre-auction or sale.

The proceeds from the auction or sale are temporarily kept by the maritime police agency and will be processed in accordance with relevant national regulations after the case is closed.

Article 206 Dangerous goods such as flammable, explosive, toxic, and radioactive should be stored in a special place that meets the storage conditions for dangerous goods.

The property legally occupied by the infringed person or a bona fide third party should be returned in time after registration, photographing or video recording, valuation, and the reason for the return should be indicated in the file, and the original photo, list and collection procedures should be checked.

The physical evidence that is not suitable for the volume shall be photographed and the original object shall be processed in accordance with the relevant regulations after the case is closed.

Article 207 After the verification of the relevant violations is true, the legal property and fruits of the infringed person with clear and uncontroversial evidence to prove the ownership shall be returned to the infringed person or interested party without affecting the normal handling of the case. After registration, taking pictures or video, and valuation, the infringed person should be returned in time. Law enforcement personnel should indicate the reasons for the return in the file materials, and attach the original photo, list, and collection procedures for the victim.

Article 208 When making an administrative processing decision, the property involved should be dealt with together.

If the property in question is returned, the recipient shall be the legal right holder of the property in question or the person entrusted by it. Law enforcement personnel or other staff of the Marine Police Agency shall not collect it on their behalf.

Article 209 The following items seized in administrative cases shall be collected according to law:

(1) Prohibited substances such as drugs and obscene articles;

(2) Gambling gear, gambling capital;

(3) Use equipment for smoking and injecting drugs;

(4) All my tools directly used to commit violations of public security management;

(5) Smuggled goods, articles, and goods, articles that cover smuggling that should be confiscated according to law, as well as illegal gains, smuggled transportation vehicles, and special equipment, before the administrative punishment decision of the maritime police agency, the natural person who died as a party or the legal person who was a party, Other organizations terminate and have no rights and obligations;

(6) Other property that can be collected by laws and regulations.

The facts of smuggling violations are basically clear, but the parties cannot find out. After three months of announcement by the Marine Police Agency, the smuggling of related goods, articles, illegal income, transportation vehicles, and special equipment can be collected according to law.

The tools listed in paragraph 4 of paragraph 1 of this article, unless there is evidence that they are legally owned by others, can be directly deemed to be owned by the offender. If it is obviously worthless, the collection decision may not be made, but the processing status should be indicated in the evidence preservation document.

Article 210 If there is one of the following circumstances, it shall be recovered according to law:

(1) Property obtained from violation of public security management;

(2) Handle smuggling cases and make administrative punishment decisions for the confiscation of goods, articles, and smuggled transportation vehicles. If the goods, articles, and smuggled transportation vehicles cannot or are inconvenient to be confiscated, the equivalent price of the above goods, articles, and smuggled transportation vehicles

shall be recovered;

(3) Other situations stipulated by laws and regulations that can be recovered.

Article 211 If multiple parties jointly commit illegal acts, and the illegal proceeds or illegal property cannot distinguish all persons, they shall be treated as joint illegal gains or illegal property.

Article 212 The collected and recovered property shall be handled separately in accordance with the following provisions with the approval of the person in charge of the maritime police agency as originally decided:

(1) Legal property belonging to the victim or a bona fide third party should be returned in time;

(2) If there is no infringed person, the registration shall be handed over to the treasury in accordance with the regulations or auctioned or sold according to law, and the proceeds shall be turned over to the treasury;

(3) Prohibited products, items of no value, or items of minor value that cannot be auctioned or sold shall be destroyed after unified registration;

(4) Dangerous goods that cannot be auctioned or sold shall be handed over to the relevant competent authority organization for destruction or handed over to the relevant manufacturer for recycling.

Article 213 The property involved in the case that should be returned to the owner or other parties shall be notified to the owner or other parties for collection within six months with the approval of the head of the maritime police agency; if the owner is not clear, the owner shall be notified to claim it. If no one claims it within six months after notifying the owner, other parties, or announcement, it shall be treated as unowned property, auctioned or sold according to law, and the proceeds shall be paid to the treasury. In case of special circumstances, with the approval of the person in charge of the maritime police agency, the processing may be postponed, and the extension period shall not exceed three months.

Article 214 When an administrative case changes its jurisdiction, the property and fruits related to the case shall be handed over with the case and notified to the parties in writing. When handing over, the recipient and the handover check in person and sign together on the handover document.

Chapter XIII Implementation

Section 1 General Provisions

Article 215 After the maritime police agency makes an administrative processing decision according to law, the person being processed shall perform it within the time limit of the administrative processing decision.

If the overdue is not fulfilled, the maritime police agency that makes the administrative processing decision may enforce it according to law or apply to the people's court for enforcement.

Article 216 If the person being processed is dissatisfied with the administrative processing decision and applies for administrative reconsideration or initiates an administrative lawsuit, the administrative processing decision shall continue to be implemented according to law.

Article 217 Before making an enforcement decision in accordance with the law, the maritime police agency shall urge the person being processed to perform the administrative processing decision in advance.

The reminder should be made in writing and delivered directly to the person being processed. If the person being processed refuses to accept or cannot directly serve the person being processed, it shall be served in accordance with the relevant provisions of Chapter 4 of this Regulation.

The reminder should specify the following:

(1) The time limit and method for performing administrative processing decisions;

(2) If it involves money payment, there should be a clear amount and payment method;

(3) The right of statement and defense enjoyed by the person being processed according to law.

Article 218 After receiving the reminder, the person being processed has the right to make statements and defenses. The maritime police agency should fully listen to and record and review. If the facts, reasons or evidence presented by the person being processed are established, they shall be adopted.

Article 219 After being urged, the person being processed still fails to perform the administrative processing decision without justifiable reasons. If the law stipulates that it is enforced by the maritime police agency, the enforcement decision may be made according to law.

During the reminder period, the Marine Police Agency may make an immediate enforcement decision in accordance with the law if there is evidence to prove that there is a sign of transfer or concealment of property.

The enforcement decision shall be made in writing and set out the following matters:

(1) The name or name and address of the person being processed;

(2) The reasons and basis for enforcement;

(3) The method and time of enforcement;

(4) The method and time limit for applying for administrative reconsideration or filing an administrative lawsuit;

(5) The name, seal and date of the maritime police agency that made the decision.

Article 22 The maritime police agency makes an administrative decision in accordance with the law that requires the processed person to perform the obligations of excluding obstruction and restitution. The processed person fails to perform after the due date, and still fails to perform after the reminder. The consequences have been or will endanger traffic safety, cause environmental pollution or destroy natural resources. The marine police agency may perform on its behalf, or entrust a third party with no interest to perform on its behalf.

The performance shall comply with the following regulations:

(1) Serve the decision before performance on behalf of the person. The decision on behalf of the person shall contain the name or name and address of the person being processed, and the reasons and basis for performance, method and time, subject matter, cost budget and acting person;

(2) Before performing on behalf of three days, urge the person being processed to perform, and if the person is performing, stop performing on behalf of the person;

(3) When performing on behalf of the generation, the maritime police agency that makes the decision shall send personnel to supervise;

(4) After the performance is completed on behalf of the sea police agency, the supervisors, surrogate performers and processed persons or witnesses shall sign or stamp the execution documents.

The cost of performance on behalf of the person is reasonably determined according to the cost and shall be borne by the person being processed according to law.

Article 221 If the pollutants at sea need to be removed immediately, and the person being processed cannot be removed, or if there are other emergencies that need to be performed immediately, the maritime police agency may decide to implement the performance immediately; if the person being processed is not present, the maritime police agency shall notify the person immediately after the fact. Deal with and deal with it according to law.

Article 222 To implement administrative enforcement, the maritime police agency may reach an enforcement agreement with the person being processed without prejudice to the public interest and the legitimate rights and interests of others. The implementation agreement can be agreed to be performed in stages; if the person being processed takes remedial measures, the additional fine may be waived.

The implementation agreement should be fulfilled. If the person being processed fails to perform the enforcement agreement, the enforcement shall be resumed.

Article 223 If the person being processed does not apply for administrative reconsideration or file an administrative lawsuit within the statutory time limit, and does not perform the administrative processing decision, the law does not provide for the enforcement of the maritime police agency, and the maritime police agency that makes the

administrative processing decision may make three months from the date of expiration of the time limit Within the time, apply to the people's court with jurisdiction in the place for enforcement.

If the maritime police agency approves the extension and pays the fine in installments, the time limit for applying for the enforcement of the people's court shall be calculated from the date of the suspension or the end of the period for paying the fine in installments.

Due to the urgent situation, in order to protect public safety, you can apply to the people's court for immediate execution.

The cost of enforcement shall be borne by the executor.

Article 224 Before applying for enforcement by the people's court, the maritime police agency shall urge the person being processed to perform the administrative processing decision. If the person who has been processed has not fulfilled the administrative processing decision after the reminder has been served for ten days, he may apply to the people's court for enforcement.

For the service of the notice and the stated matters, the provisions of Article 217 of this provision shall apply.

Article 225 The Marine Police Agency applies to the People's Court for enforcement and should provide the following materials:

(1) Enforcement application;

(2) The administrative processing decision and the facts, reasons and basis for making the decision;

(3) The opinions of the person being processed and the reminder situation of the maritime police agency;

(4) Application for enforcement of the target;

(5) Other materials prescribed by laws and regulations.

The application for enforcement shall be signed by the person in charge of the maritime police agency that made the processing decision, stamped with the seal of the maritime police agency, and dated.

Article 226 If there is any objection to the decision of the people's court not to accept the application for enforcement or not to enforce it, the maritime police agency may apply to the higher people's court for reconsideration within fifteen days.

Article 227 In one of the following circumstances, the enforcement shall be suspended:

(1) The person being processed does have difficulty in fulfilling the administrative processing decision or is temporarily incapable of performing;

(2) The third party's right to claim the execution of the target is indeed justified;

(3) Execution may cause irreparable losses, and suspension of execution does not harm the public interest;

(4) Other circumstances that require suspension of execution.

After the suspension of execution disappears, the maritime police agency shall resume execution. If there is no obvious social harm, the person being processed is indeed incapable of performing. If the execution has not been resumed for three years, the execution will no longer be carried out.

Article 228 If there is one of the following circumstances, the enforcement shall be terminated:

(1) The death of a citizen has no inheritance to enforce, and no obligation to bear people;

(2) The legal person or other organization terminates, there is no property to enforce, and there is no obligation to bear the person;

(3) The loss of the execution target;

(4) If the administrative processing decision to be executed is revoked;

(5) Other situations that need to be terminated.

Article 229 In the execution or after the execution is completed, if the administrative processing decision to be executed is revoked, changed, or executed incorrectly, it shall be restored to its original condition or returned to the property; if it cannot be restored to its original state or returned to the property, compensation shall be given according to law.

Article 230 In addition to the items that should be destroyed according to law, the illegal gains and illegal property confiscated or collected and recovered by the maritime police agency in accordance with law shall be processed or turned over to the State Treasury in accordance with relevant state regulations.

Fines, confiscated or confiscated illegal gains, illegal property auctions or sale payments and confiscated deposits shall be fully paid to the State Treasury and shall not be intercepted, privately divided or disguised in any form.

Section 2 Enforcement of fines

Article 231 The maritime police agency makes a fine decision, and the punished person shall pay the fine to the designated bank or through the electronic payment system within fifteen days from the date of receipt of the administrative penalty decision. If there is one of the following circumstances, the fine may be collected on the spot:

(1) Those who violate public security management shall be fined less than 50 yuan, and the punished person shall have no objection;

(2) A fine of less than one hundred yuan on the spot for offenders other than public security management;

(3) At sea or remote islands, it is indeed difficult for the punished person to pay fines to the designated bank or through the electronic payment system, which was proposed by the punished person;

(4) Handling public security cases and violation of exit and entry management cases. The punished person has no fixed residence in the city and county where the decision is made, and it is difficult to execute after the improper collection;

(5) The punishment decision was made on the spot, which was difficult to enforce after the improper collection.

In the case of one of the first and third cases of the preceding paragraph, law enforcement personnel shall request the person to be punished to sign for confirmation.

Article 232 If the maritime police agency and its law enforcement personnel collect fines on the spot, they shall issue special notes issued by the financial department of the State Council; if they do not issue special notes issued by the financial department of the State Council, the punished person shall have the right to refuse to pay the fine.

Article 233 Law enforcement personnel shall hand over the fines collected on the spot to the maritime police agency to which they belong within two days from the date of collection of the fines; the fines collected on the spot at sea shall be paid to the fines collected on the spot within two days from the date of arrival The marine police agency to which it belongs.

The maritime police agency shall pay the fine to the designated bank within two days from the date of receipt of the fine.

Article 234 The punished person does have financial difficulties. After the punishment person applies for and makes a punishment decision, the fine may be suspended or paid in installments.

If the punished person applies for extension or pays the fine in installments, it shall be submitted in writing. After receiving the application, the maritime police agency shall make a decision on whether to grant the suspension or payment in installments within ten days, and notify the punished person.

If the maritime police agency grants the punished person to suspend or pay in installments, it shall promptly notify the agency that collected the fine.

Article 235 If the party fails to perform the fine decision after the due date, the maritime police agency that made the fine decision may take the following measures according to law:

(1) The daily fine shall be three percent of the fine plus the fine, and the amount of the penalty shall not exceed the amount of the fine;

(2) The seized and seized property shall be auctioned, sold or the frozen deposits and remittances shall be deducted from the fine; if the price of the auction or sale exceeds the fine amount, the balance shall be returned to the punished person in a timely manner;

(3) Apply for enforcement by the people's court.

The auction of property shall be handled by the auction agency entrusted by the marine police agency in accordance with law.

Section 3 Execution of Detention

Article 236 Those who are decided to be administratively detained shall be served by the maritime police agency that made the decision to the detention facility where the maritime police agency is located. Binding police equipment may be used to resist execution.

If a person who has been decided to be in administrative detention is arrested in another place or has other circumstances that are necessary to be executed in a foreign detention facility, it may be executed in another place with the consent of the competent public security organ of the detention facility in another place.

Article 237 Persons who have been decided to be in administrative detention and community detoxification or forced isolation detoxification shall be subject to administrative detention first, and the period of compulsory isolation and detoxification shall be calculated continuously.

If the detention facility does not have the conditions for drug treatment, the maritime police agency that makes the administrative detention decision may directly replace the administrative detainee with a compulsory isolation drug treatment facility managed by the public security organ for administrative detention, and the period of compulsory isolation and drug treatment shall be calculated continuously.

Article 238 If the punished person is dissatisfied with the administrative detention punishment decision and applies for administrative reconsideration or initiates an administrative lawsuit, he may apply to the maritime police agency that made the administrative detention decision to suspend the execution of administrative detention; if the application is made orally, the law enforcement officer shall record it and apply The person signs or presses.

Article 239 The maritime police agency shall make a decision within 24 hours from the time when the punished person submits an application for suspension of administrative detention.

The Marine Police Agency believes that the suspension of administrative detention will not cause social danger, and if the punished person or his close relatives propose a qualified guarantor, or pay a security deposit on the basis of the daily administrative detention of 200 yuan, the suspension of administrative detention shall be made. decision. If the punished person has been served in the detention facility, the suspension of the administrative detention decision shall be immediately served in the detention facility.

The same punished person shall not be ordered to propose a guarantor and pay a deposit at the same time.

Article 240 If the punished person has one of the following circumstances, he shall make a decision not to suspend the execution of administrative detention and inform the applicant:

(1) Those who may escape after suspending administrative detention;

(2) If there are other suspected crimes, they are being investigated or investigated;

(3) It is not appropriate to suspend other circumstances of administrative detention.

Article 241 Where administrative detention is fined, the fine shall not be suspended due to the suspension of administrative detention.

Article 242 During the suspension of administrative detention, the punished person shall comply with the following provisions:

(1) Without the approval of the maritime police agency that made the administrative detention decision, it is not allowed to leave the city or county where it lives;

(2) If the address, work unit and contact information change, report to the maritime police agency that made the administrative detention decision within 24 hours;

(3) In administrative reconsideration and administrative litigation, the witnesses shall not interfere with the testimony, forgery of evidence or confessions;

(4) Do not evade, refuse or hinder the execution of punishment.

During the suspension of administrative detention, the maritime police agency shall not prevent the punished person from exercising administrative reconsideration and administrative litigation rights in accordance with law.

Article 243 The guarantor suspending administrative detention shall meet the following conditions:

(1) Not involved in this case;

(2) Enjoy political rights, and personal freedom is not restricted or deprived;

(3) There are permanent residence and fixed residence in the local area;

(4) Ability to perform guarantee obligations.

Article 244 After review, if the maritime police agency believes that the guarantor suspending administrative detention is eligible, the guarantor will issue a guarantee and go to the maritime police agency to take the guarantor back.

Article 245 The guarantor suspending administrative detention shall perform the following obligations:

(1) To ensure that the guarantor complies with the provisions of Article 242 of this Regulation;

(2) If the guarantor is found to have forged evidence, made confessions or escaped, he shall report to the Marine Police Agency in time.

If the guarantor suspending the execution of administrative detention fails to perform its guarantee obligations, causing the guarantor to evade the execution of administrative detention punishment, the maritime police agency may impose a fine of less than 3,000 yuan on the guarantor and resume administrative detention of the guarantor.

If the guarantor suspending the execution of administrative detention fulfills the guarantee obligation, but the guarantor still evades the execution of the administrative detention punishment, or after the punished person escapes, the guarantor actively helps the marine police agency to capture the punished person, it may be lighter or not Administrative punishment.

Article 246 If the guarantor suspending administrative detention is unwilling to continue the guarantee or lose the guarantee conditions during the suspension of administrative detention, the maritime police agency that made the administrative detention decision shall order the punished person to resubmit the guarantor or pay the deposit. If the guarantor is not presented and the deposit is not paid, the punished person shall be sent to the detention facility for execution.

Article 247 The deposit should be collected by the bank. During non-business hours of the bank, the maritime police agency may collect it first and deposit it in the designated bank account within three days of receiving the deposit.

It is strictly forbidden to withhold, support, embezzle or embezzle deposits in any other form.

Article 248 When the administrative detention punishment is revoked or started, the maritime police agency shall return the deposit to the payer.

If a person who is decided to be in administrative detention evades the execution of administrative detention punishment, the maritime police agency that decides the administrative detention makes a decision to confiscate or partially confiscate the security deposit, and sends the punished person to the detention facility for execution.

Article 249 If the punished person is dissatisfied with the decision of the maritime police agency to confiscate the deposit, he may apply for administrative reconsideration or file an administrative lawsuit in accordance with the law.

Section IV Implementation of other processing decisions

Article 250 If the maritime police agency makes a ban decision, it may make an announcement by posting an announcement at the business premises, ordering the banned person to immediately stop the business activities; if there is any illegal income, it shall be confiscated or recovered according to law. Those who refuse to stop their business

activities may confiscate or confiscate their tools and equipment specifically used for illegal business activities according to law. If a business license has been obtained, the market supervision and management department shall be notified to revoke its business license according to law.

Article 251 Those who refuse to implement the order made by the maritime police agency to suspend production and suspend business may enforce it according to law or apply to the people's court for enforcement.

Article 252 Those who are decided to force isolation and detoxification shall be sent to the place where the compulsory isolation detoxification is sent by the maritime police agency that makes the decision.

For those who are determined to be detoxified in the community, the maritime police agency should order them to accept community detoxification at the place of their household registration, and notify the city street office and township people's government where their household registration is located; if they have a fixed residence in the place of residence outside the place of household registration, they can be ordered Accept community detoxification in the current residence and notify the city street office and township people's government of their current residence.

Chapter 14 Handling of foreign-related administrative cases

Article 253 When handling foreign-related administrative cases, national sovereignty and interests should be safeguarded, and the principle of equality and mutual benefit should be adhered to.

Article 254 The nationality of foreigners is confirmed based on the valid documents held at the time of entry; if the nationality is in doubt or the nationality is unknown, the entry and exit management department of the public security organ will assist in the identification.

Foreigners whose nationality cannot be ascertained and whose identity is unknown are treated according to their self-reported nationality or stateless person.

Article 255 If the offender is a foreigner enjoying diplomatic privileges and immunities, the maritime police agency shall record its identity, documents and basic circumstances such as the violation, keep relevant evidence, and report the relevant situation to the provincial maritime police station. The maritime police bureau invites the corresponding foreign affairs department of the people's government to handle it through diplomatic channels.

For foreigners enjoying diplomatic privileges and immunities, compulsory measures restricting personal freedom and seizure and seizure shall not be adopted.

Article 256 For foreign-related administrative cases, the national language of the People's Republic of China should be used. If you do not know the language of our country, the maritime police agency shall provide translation for it; if the parties are familiar with the language of our country and do not need others to translate, they shall issue a written statement.

With the approval of the person in charge of the maritime police agency, foreign parties can hire their own translators, and the translation fee is borne by their individuals.

Article 257 Foreigners suspected of violating the entry and exit management have one of the following circumstances. After cross-examination on the spot or continued cross-examination, the suspicion cannot be ruled out. If further investigation is required, the detention review may be conducted with the approval of the head of the maritime police agency:

(1) Suspected of illegal entry and exit;

(2) Suspected of assisting others to enter the country illegally;

(3) Suspected of illegal residence and illegal employment;

(4) Suspected of endangering national security and interests, disrupting public order or engaging in other illegal and criminal activities.

When conducting a detention review, a detention review decision should be presented and an inquiry should be conducted within 24 hours.

The period of detention review shall not exceed 30 days. The case is complicated and can be extended to 60 days with the approval of the higher-level maritime police agency. If the nationality and identity are unknown, the period of detention review shall be calculated from the date of identification of their nationality and identity. If the provincial maritime police bureau makes a detention review decision and needs to extend the detention review period, it may be approved by the maritime police agency that made the decision.

Article 258 If a foreigner violates the immigration management case and has one of the following circumstances, the detention review shall be released:

(1) Those who are decided to be deported, leave the country within a time limit or be deported;

(2) Should not be detained for review;

(3) Measures taken to limit the scope of activities;

(4) The case is transferred to other departments for processing;

(5) Other situations where the detention review should be released.

Article 259 If a foreigner has one of the following circumstances, the detention review does not apply. With the approval of the person in charge of the maritime police agency, the scope of his activities may be limited:

(1) Those with serious illness;

(2) Pregnant or breastfeeding a baby under one year old;

(3) Under the age of sixteen or over the age of seventy;

(4) It is not appropriate to apply other situations of detention review.

Foreigners whose scope of activities is restricted shall be subject to review as required, and shall not leave the restricted area without the approval of the maritime police agency. The period for limiting the scope of activities shall not exceed 60 days. If the nationality or identity is unknown, the period of restricted activity shall be calculated from the date of identification of its nationality and identity.

Article 260 Foreigners whose scope of activities is restricted shall comply with the following regulations:

(1) Without the approval of the maritime police agency that makes the decision, the living residence shall not be changed, beyond the designated activity area;

(2) Arrive in time when summoning;

(3) Do not interfere with the testimony of witnesses in any form;

(4) Do not destroy, forge evidence or confess.

Article 261 Foreigners who have one of the following circumstances can be deported:

(1) Those who have been sentenced to leave the country within a limited time and have not left the country within the prescribed time limit;

(2) If there is a situation of no entry;

(3) Illegal residence and illegal employment;

(4) Other situations that require deportation in violation of laws and administrative regulations.

If other overseas personnel have one of the circumstances listed in the preceding paragraph, they may be deported according to law.

If a foreigner and other overseas personnel need to be deported, the maritime police agency responsible for handling the case shall issue a request letter and punishment ruling legal documents and other relevant case materials to the corresponding public security organ's entry and exit management department.

Article 262 Foreigners who are dissatisfied with continued cross-examination, detention review, scope of activities, and deportation measures may apply for administrative reconsideration according to law. The administrative reconsideration decision is final.

If other overseas personnel are dissatisfied with the deportation measures and apply for administrative reconsideration, the provisions of the preceding paragraph shall apply.

Article 263 If a foreigner has one of the following circumstances, he may leave the country within a time limit as determined by the maritime police agency:

(1) Violation of public security management;

(2) Engaged in activities that do not match the reasons for staying in residence;

(3) Violating Chinese laws and regulations and not suitable for staying in China;

(4) Violation of 《 Surveying and Mapping Law of the People's Republic of China 》 stipulates that foreign organizations or individuals are engaged in surveying and mapping activities in the waters under our jurisdiction without authorization or cooperation with relevant departments and units of our country.

If a foreigner decides to leave the country within a time limit, the time limit for the foreigner to leave the country shall be stipulated, and the competent authority shall be invited to pay attention to the sale of his valid visa or residence permit. The deadline for exit shall not exceed 15 days.

Article 264 Anyone who imposes a fine or administrative detention on a foreigner and imposes a deadline for exit or deportation shall execute the deadline for exit or deportation after the fine or administrative detention is completed.

Article 265 In handling foreign-related administrative cases, the system of requesting reports, internal notifications, and external notifications should be strictly implemented in accordance with the provisions of the state regarding handling foreign-related cases.

Article 266 After making administrative detention, detention review or other restrictions on personal freedom, limiting the scope of activities, and the decision to seize and temporarily control property on foreign ships, the maritime police agency that made the decision shall transfer the foreigner within 48 hours Name, gender, time of entry, passport or other identification number, ship registration, ship name, time, place and relevant circumstances of the case, the main facts of the violation, The measures taken and their legal basis are reported to the China Maritime Police; the provincial maritime police bureau shall notify the embassy and consulate of the country to which the foreigner belongs within the prescribed time limit, and notify the corresponding foreign affairs of the people's government department. If the parties request not to notify the embassy or consulate, and my country and the country of nationality of the parties have not signed a bilateral agreement that requires notification, they may not notify it, but they shall make a written request.

Article 267 If a foreigner dies during administrative detention, detention review, or other restrictions on personal freedom and restrictions on the scope of activities, the relevant provincial maritime police station shall notify the embassy or consulate of the country to which the foreigner belongs, and report to the Chinese maritime police station and report to the corresponding People's government foreign affairs department.

Article 268 During the period of administrative detention, detention review or other restrictions on the freedom of person and the scope of activities of foreigners, the diplomatic and consular officials of the country to which they belong in China request visits, and the maritime police agency that makes the decision shall arrange in a timely manner. If the foreigner refuses to visit the diplomatic and consular officials of the country to which he belongs, the maritime police agency may not arrange it, but it shall issue a written statement by itself.

Article 269 If handling foreign-related administrative cases is not specified in this chapter, the relevant provisions of other chapters shall apply.

Chapter 15 Case End

Article 270 If an administrative case has one of the following circumstances, it shall be closed:

(1) Make a decision not to impose administrative penalties;

(2) A mediation and settlement agreement has been reached and fulfilled in accordance with the provisions of Chapter 11 of these Regulations;

(3) Make administrative punishment and other processing decisions, and have been implemented;

(4) If the illegal act is suspected to constitute a crime, it will be transferred to a criminal case or transferred to other agencies according to law;

(5) After making a processing decision, it cannot be executed or is not required to be executed due to objective reasons such as loss and death of the execution target.

Article 271 After investigation, if it is found that the administrative case has one of the following circumstances, the investigation shall be terminated with the approval of the person in charge of the case handling department of the maritime police agency:

(1) There is no illegal fact;

(2) If the illegal act has been investigated for limitation;

(3) The person who died of the illegal act;

(4) Other circumstances requiring the termination of the investigation.

When the investigation is terminated, if the offender has taken administrative coercive measures, it shall be released immediately.

Article 272 For the document materials formed during the processing of administrative cases, the case file shall be established in accordance with the principle of one case and one volume, and the case file shall be transferred to the file department for custody after the case is closed or the case is terminated in accordance with relevant regulations.

Article 273 Administrative case files should include the following:

(1) Record of the registration form or other found cases;

(2) Evidence materials;

(3) Decision documents;

(4) Other legal documents formed in the handling of cases.

Article 274 The legal documents and qualitative basis materials of administrative cases shall be complete and complete, and shall not be damaged or forged.

Chapter 16 Supplementary Provisions

Article 275 The maritime police agency shall record the whole process of initiation, investigation and evidence collection, review, decision, service, execution, etc. of maritime administrative law enforcement in the form of words and audiovisuals in accordance with relevant national regulations.

Article 276 The maritime police agency shall establish and continuously improve the law enforcement case handling information system, and enter the acceptance of administrative cases, investigation and evidence collection, mandatory measures, processing and other relevant documents into the law enforcement case information system in accordance with relevant regulations, and conduct online review and approval.

Marine police agencies can use electronic signatures, electronic fingerprint suppression technology to produce electronic transcripts and other materials, and can use electronic seals to produce legal documents. In the process of electronic signature and electronic fingerprint suppression of the parties to the case, the maritime police agency should record the video simultaneously.

Article 277 The legal documents required to implement this provision are formulated by the China Maritime Police. The Chinese Maritime Police Bureau has not formulated a style, and other legal documents required for law enforcement work can be formulated by the Provincial Maritime Police Bureau.

Article 278 The Bureau directly under the Chinese Maritime Police Agency carries out administrative law enforcement and exercises the same authority as the provincial maritime police bureau.

Article 279 The meaning of the following terms in this provision is:

(1) “Head of the Marine Police Agency ” refers to the full-time leader of the Marine Police Agency;

(2) “ Marine Police Agency Case Office ” refers to the internal and direct institutions responsible for case handling within the marine police agency; there is no designated marine police workstation for the corresponding internal organization or direct agency. The duties and powers of the person in charge of the case handling department shall be exercised by the person in charge of the marine police workstation;

(3) “ Party ” refers to individuals and organizations that violate laws, regulations, and regulations such as public security, customs, development and utilization of marine resources, marine ecological environmental protection, marine fisheries management, and infringed persons in security cases.

Article 280 The “ above ”, “ below ”, and “ within ” all include this number or this level.

Article 281 This provision shall come into effect on June 15, 2024.

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